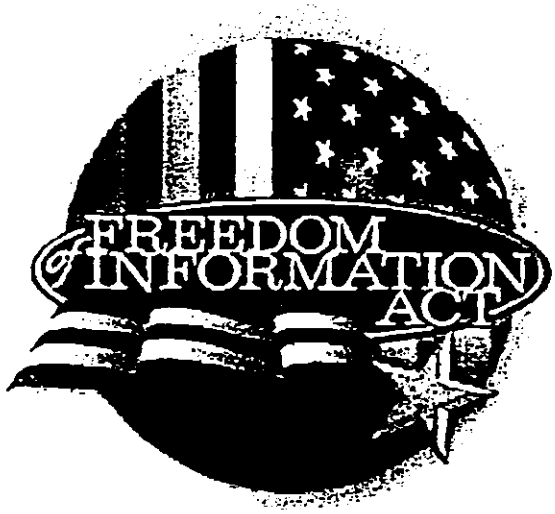


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PART 1 OF 23

FILE NUMBER : 62-117-166

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Reason-FCIM II, 1-2
Date of Review 11-25-95
3-1-82

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~~66-8160-3751~~

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Class. & Ext. By SP4 JRM/cal 2
Reason-FCIM II, 1-2.4.2
Date of Review 10-2-95
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Subject JUNE MAIL ~~TECHNICAL SURVEILLANCE-GENERAL~~ Surreptitious Entries

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Reason-FCIM II, 1-4.2 or 2
Date of Review 10-2-95
38-82

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File Number 62-117166-X33
~~66-8160-3732~~

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Subject Surreptitious Entries
JUNE MAIL ~~TECHNICAL SURVEILLANCES-GENERAL~~

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File Number 62-117166-X34
~~66-8160-3760~~

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10-2-95
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See File 66-2554-7530 for authority.

Subject JUNE MAIL ~~TECHNICAL SURVEILLANCES-GENERAL~~ Surreptitious Entries

Removed By 79 OCT 16 1975

File Number 62-117166-X35
~~66-8160-3759~~

Sp4 TRM/cal
2
10-2-95
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Subject JUNE MAIL ~~TECHNICAL SURVEILLANCES-GENERAL~~ Surreptitious Entries

Class. & Ext. By SP4 RMJ cal
Reason-FCIM II, 1-3.4.2
Declassify on: OADR
10-3-93
3-8-82

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File Number 62-117166-X36
~~66-8160-3765~~

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See File 66-2554-7530 for authority.

Subject JUNE MAIL ~~TECHNICAL SURVEILLANCES-GENERAL~~ Surreptitious Entries

Removed By 79 OCT 16 1975

File Number 62-117166-X37
~~66-8160-3763~~

Class. & Ext. By SP4 ELW/Cal
Reason - FCIM II, 1-2.4.2,3
Date of Review 2 10-3-95

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Subject JUNE MAIL ~~TECHNICAL SURVEILLANCES-GENERAL~~ Surreptitious Entries

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~~66-8160-3758~~

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Reason-FCIM II, 1-2.4.2
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3880

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See File 66-2554-7530 for authority.

Subject JUNE MAIL ~~TECHNICAL SURVEILLANCES-GENERAL~~ Surreptitious Entries

Class. & Ext. By SP4JFM/cal
Reason-FCIM II, 1-2.2
Date of Review 10-6-95

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File Number 62-117666-X39
~~66-8160-3764~~

3-8-82

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Reason - 1.4.2
10-9-95
3-4-82

Subject JUNE MAIL ~~TECHNICAL SURVEILLANCES-GENERAL~~ Surreptitious Entries

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File Number 62-1171606-X40
~~66-8160-3766~~

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OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

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Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

TO: Mr. Cleveland

DATE: October 9, 1975

FROM: R. J. McCarthy

SUBJECT: SURREPTITIOUS ENTRIES

Reference is made to memorandum of Mr. J. B. Adams to Mr. P. L. Mack dated August 19, 1975, memorandum of Mr. R. J. McCarthy to Mr. W. V. Cleveland dated August 21, 1975, and letter of Senator Frank Church to Attorney General Edward H. Levi dated September 29, 1975.

The following answers are to the specific questions set out in referenced letter from Senator Frank Church to Attorney General Edward H. Levi. All entries conducted in connection with investigations handled by the Special Investigative Division from January, 1960, to July, 1975, have been for the purpose of installing electronic devices for the interception of oral communications. Surreptitious entries from 1960 to 1965 were in connection with criminal intelligence investigations of major organized crime figures. This practice was discontinued in 1965. From 1969 to July, 1975, all surreptitious entries have been under authority of court order and in accordance with Title III of the Omnibus Crime Control and Safe Streets Act of 1968.

1 - Mr. Callahan
1 - Mr. Adams
1 - Mr. Mack
1 - Mr. Gallagher
1 - Mr. Wannall
1 - Mr. Cleveland
1 - Mr. McCarthy
1 - [redacted]

REC 67 62-117166-X41

3980

(9)

3 OCT 14 1975

5 NOV 03 1975

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Memorandum to Mr. Cleveland
Re: Surreptitious Entries

1) Number of entries per year since 1960:

1960	6	(TITLE III)	
1961	66	1969	3
1962	102	1970	8
1963	80	1971	7
1964	76	1972	18
1965	33	1973	25
1966	0	1974	19
1967	0	1975	
1968	0	(July)	11
	363		91

TOTAL: 454

2) Number of separate targets per year since 1960:

1960	6	(TITLE III)	
1961	47	1969	3
1962	80	1970	8
1963	63	1971	6
1964	60	1972	17
1965	29	1973	18
1966	0	1974	19
1967	0	1975	
1968	0	(July)	8
	285		79

TOTAL: 364

3) Total number of separate targets since 1960:

219	71

TOTAL: 290

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Memorandum to Mr. Cleveland
Re: Surreptitious Entries

Request for a list of all targets and the dates of entries will be handled in a separate memorandum.

RECOMMENDATION:

Upon approval, this memo should be referred to the Intelligence Division, which is coordinating the Bureau's response in this matter.

(b)(7)(C) [redacted]

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See File 66-2554-7530 for authority.

Class. & Ext. By SP4 JRM/cal
Reason-FCIM II, 1-2.4.2
Declassify On: 10-15-95
3-26-95

Subject JUNE MAIL ~~TECHNICAL SURVEILLANCE-GENERAL~~ Surreptitious Entries

Removed By _____ 1975

File Number 62-117166-X42
~~66-8160-3768~~

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See File 66-2554-7530 for authority.

Class. & Ext. By SP4JRMKAL
Reason-FCIM II, 1-2.4.2 2
Date of Review 10-15-95
3-26-82

Subject JUNE MAIL ~~TECHNICAL SURVEILLANCE-GENERAL~~ Surreptitious Entries

Removed By 79 OCT 30 1975

File Number 62-117166-X43
~~66-8160-3769~~

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See File 66-2554-7530 for authority.

Class. & Ext. By SP4JRMlcab
Reason-FCIM II 1-2.4.2
Declassify On: X2-16-95
3-26-82

Subject JUNE MAIL ~~TECHNICAL SURVEILLANCE~~ Surreptitious Entries

Removed By 79 NOV 10 1975

File Number 62-117606-X44
~~66-8160-3776~~

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Reason-FCIM II, 1-2.2
Date of Review 12-16-93
8-26-82

See File 66-2554-7530 for authority.

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Subject JUNE MAIL ~~TECHNICAL SURVEILLANCE-GENERAL~~ Surreptitious Entries

Removed By 79 OCT 10 1975

File Number 62-117166-X45
~~66-8160-3770~~

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Class. & Ext. By SP4 JRM/cal
Reason-FCIM II, 1-5, 4.2.2
Date of Review 10-16-95
3-26-82

See File 66-2554-7530 for authority.

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Subject JUNE MAIL ~~TECHNICAL SURVEILLANCE-GENERAL~~ Surreptitious Entries

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File Number 62-117166-1446
~~66-8160-3771~~

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Reason 1-2.4.2
Date 10/14-95
3-26-92

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See File 66-2554-7530 for authority.

Subject JUNE MAIL ~~TECHNICAL SURVEILLANCE-GENERAL~~ Surreptitious Entries

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File Number ~~66-8160-3772~~ 62-117166-X47

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See File 66-2554-7530 for authority.

Subject JUNE MAIL ~~TECHNICAL SURVEILLANCE-GENERAL~~ Surreptitious Entries

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File Number 62-117466-X48 ~~66-8160-3774~~

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~~66-8160-3775~~

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Reason 1-2
Date 10-23-95
3-26-82

Subject Surreptitious Entries
JUNE MAIL ~~TECHNICAL SURVEILLANCE-GENERAL~~

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Reason-FCIM II 1-2-4.2
Date of Review 10-24-95
3-26-82

See File 66-2554-7530 for authority.

Subject JUNE MAIL ~~TECHNICAL~~ Surreptitious Entries SURVEILLANCES-GENERAL

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File Number 62-117166-X51
~~66-8160-3777~~

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Date of Review 10-24-95
3-26-82

See File 66-2554-7530 for authority.

Subject JUNE MAIL ~~TECHNICAL SURVEILLANCE - GENERAL~~ Surreptitious Entries

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~~66-8160-3786~~

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Subject JUNE MAIL ~~TECHNICAL SURVEILLANCE-GENERAL~~ Surreptitious Entries

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~~66-8160-3782~~

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20-95
26-82

See File 66-2554-7530 for authority.

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Subject JUNE MAIL ~~TECHNICAL SURVEILLANCE-GENERAL~~ Surreptitious Entries

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~~66-8160-3788~~

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Subject JUNE MAIL ~~TECHNICAL SURVEILLANCE-GENERAL~~ Surreptitious Entries

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ALL 6/17 KC

1-Mr. J. A. Mintz
1-Mr. W. R. Wannall
1-Mr. W. A. Branigan

Assistant Attorney General
Civil Rights Division

December 9, 1975

Director, FBI 62-117166-X59

REC-57 3794

1-Mr. S. S. Mignosa
1-Mr. F. J. Cassidy
1 [redacted]

SURREPTITIOUS ENTRIES

Reference is made to your memorandum of December 2, 1975, concerning documents received by this Bureau from former Associate Deputy Attorney General James A. Wilderotter, and files pertaining to certain surreptitious entries conducted by the FBI in connection with installation of electronic surveillances.

The matter concerning materials received from Mr. Wilderotter is being coordinated with the office of the Deputy Attorney General.

With respect to files requested in Items 2 through 19 of your December 2 letter, we are taking the necessary steps to obtain the material requested, and we anticipate having these documents available for your review at an early date.

On December 2, a representative of the Intelligence Division spoke with Mr. William Gardner of your Division regarding Departmental review of two files concerning surreptitious entry. It was agreed that representatives of your office would initially confine their reviews to files located at FBI Headquarters. If satisfactory, files to be reviewed in your request of December 2 will be handled in the same fashion. If required, arrangements may be made to review files and documents requested by you which are located in our field offices. We believe these arrangements will expedite your review and will avoid, at the outset, transmittal of voluminous materials from our field offices, some of which may be irrelevant to your inquiry.

3-1-82 BY SP4 SRMLCW

Dir. [redacted]
AD Adm.
AD Inv.
(9)

DEC 10 1975
FBI

NOTE: Inspector James C. Farrington of the Legal Counsel Division (LCD) has advised that Departmental review of the Wilderotter material is being coordinated by LCD with the office of the Deputy Attorney General.

ROUTE IN ENVELOPE

DEC 30 1975

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Class. & Ext. By SP4ELW/cal 2
Reason - 1.4 (c)
Declassify on: 12 3-15
3-26-82

See File 66-2554-1630 for authority.

Subject JUNE MAIL ~~TECHNICAL SURVEILLANCES-GENERAL~~ Surreptitious Entries

Removed By JAN 27 1976

File Number 62-117766-X60
~~66-8160-3803~~

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DATE 3-26-82 BY SP4 Smical

See File 66-2554-7530 for authority.

Subject JUNE MAIL ~~TECHNICAL SURVEILLANCE-GENERAL~~ Surreptitious Entries

Removed By 7 9 JAN 1976

File Number ~~66-8160-3798~~ 62-117666-X61

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1 - Mr. Wannall
1 - Mr. Gallagher
1 - Mr. Cleveland
1 - Mr. Mintz
1 - Mr. Farrington

The Deputy Attorney General

December 8, 1975

Director, FBI

Surreptitious Entries

Materials and Documents Received from James A. Wilderotter, former Associate Deputy Attorney General, Department of Justice

By memorandum dated December 2, 1975, from J. Stanley Pottinger, Assistant Attorney General, Civil Rights Division, captioned "Surreptitious Entries", a request was made to forward to Mr. Pottinger the documents and materials received from Mr. Wilderotter. Also, by memorandum dated December 4, 1975, from Mr. Pottinger, captioned "Martin Luther King, Jr.", another request was made to make these documents available in connection with their review of the Martin Luther King, Jr. matter. This is to advise you that we are prepared to deliver these materials to your office immediately for the dissemination to the Civil Rights Division, and will do so by close of business, December 8, 1975. A separate response will be made replying to the remainder of the requests outstanding in both of the above-referenced communications.

MAILED 6
DEC 9 1975
FBI

EX-115 REC-65

20 DEC 11 1975

1 - Assistant Attorney General,
Civil Rights Division
Attention: Mr. Robert A. Murphy

JCF
(8)

NOTE: Documents and materials previously received from Mr. Wilderotter are located in the office of Legal Counsel and arrangements will be made to have these hand delivered to the Deputy Attorney General's Office today, since our prior correspondence relative to disposition of these documents has been with the Deputy AG.

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
Admin.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Plan. & Eval.
Spec. Inv.
Training
Legal Coun.
Telephone Rm.
Director Sec'y

JAN 6 1976

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Subject JUNE MAIL ~~TECHNICAL SURVEILLANCE-GENERAL~~ Surreptitious Entries

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File Number 62-117166-X63
~~66-8160-3795~~

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DATE 3-26-82 SPJ/Rmd/cal

Subject JUNE MAIL ~~TECHNICAL SURVEILLANCE-GENERAL~~ Surreptitious Entries

Removed By 79 DEC 2 0 1975

File Number ~~66-8160-3796~~ 62-117166-X64

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See File 66-2554-7530 for authority.

Subject JUNE MAIL ~~TECHNICAL SURVEILLANCE-GENERAL~~ Surreptitious Entries

Removed By [illegible] 1975

File Number 62-117066-X65
~~66-8160-3797~~

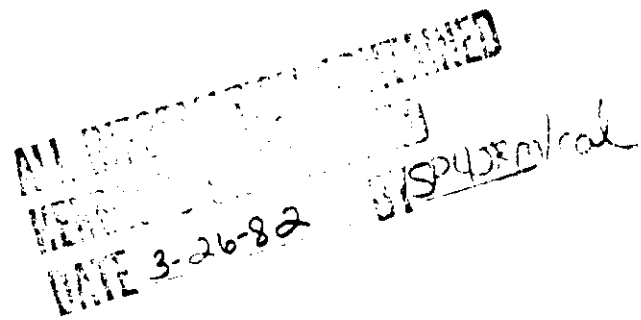
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Subject JUNE MAIL ~~TECHNICAL SURVEILLANCE-GENERAL~~ Surreptitious Entries

Removed By 78 JAN 15 1976

File Number ~~66-8160-3799~~ 62-117166-X66

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DATE 3-26-82 SP4 JRM/rak

See File 66-2554-7530 for authority.

Subject JUNE MAIL ~~TECHNICAL SURVEILLANCE-GENERAL~~ Surreptitious Entries

Removed By [illegible]

File Number ~~66-8160-3800~~ 62-117166-X67

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Date of Mail 1/7/76

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Has been removed and placed in the Special File Room of Records Section.

Class. & Ext. By SP4JRM/Cal
Reason-FCIM II 1-2-4.2
Declassify on: 1-2-96
3-26-82

See File 66-2554-7530 for authority.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED WHERE SHOWN OTHERWISE.

Subject JUNE MAIL ~~TECHNICAL SURVEILLANCE-GENERAL~~ Surreptitious Entries

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File Number 62-117166-X68
~~66-8160-3804~~

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Class. & Ext. By SP4JRM/cal 1-13-76 3-26-82

See File 66-2554-7530 for authority.

Subject JUNE MAIL ~~TECHNICAL SURVEILLANCES-GENERAL~~ Surreptitious Entries

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File Number 62-117166-X69 ~~66-8160-3808~~

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DECL: 5/19/83

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Class. & Ext. By SP4 Central Cal
Reason-FCIM II, 1-16-96
Date of Review 3-26-82

See File 66-2554-7530 for authority.

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Subject JUNE MAIL ~~TECHNICAL SURVEILLANCES-GENERAL~~ Surreptitious Entries

Removed By 7 9 FEB 1976

File Number 62-117666-X70
~~66-8160-3809~~

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Reason
Date of Review 1-19-96
3-8-82

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DATE 5/19/83 BY SP4ELW/cal

See File 66-2554-7530 for authority

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Subject JUNE MAIL ~~TECHNICAL SURVEILLANCES - GENERAL~~ Surreptitious Entries

Removed By 29 JAN 27 1976

File Number 62-117166-X71
~~66-8160-3805~~

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Date of Mail 1/20/76

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3-2-96
3-17-82

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DATE 5/19/83 BY SP4EWJ/cal

See File 66-2554-7530 for authority.

Subject JUNE MAIL ~~TECHNICAL SURVEILLANCE-GENERAL~~ Surreptitious Entries

Removed By 79 JAN 27 1976

File Number 62-117166-X72
~~66-8160-3807~~

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DATE 3-8-82 BY SP4 JRM/cal

See File 66-2554-7530 for authority.

Subject Surreptitious Entries JUNE MAIL ~~TECHNICAL SURVEILLANCE-GENERAL~~

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File Number 62-117166-X73 ~~66-8160-3826~~

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See File 66-2554-7530 for authority.

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DATE 3-8-82 BY SP4 Jen/cal

Subject JUNE MAIL ~~TECHNICAL SURVEILLANCES-GENERAL~~ Surreptitious Entries

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File Number ~~66-8160-3811~~ 62-117166-X74

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File Number ~~66-8160-3810~~ 62-117420-X75

Classification: SPY JR/mlcal 2
Reason: 1-21-96
Date of Review: 3-9-82

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See File 66-2554-7530 for authority.

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DATE 3-8-82 BY SP4 JRM/cal

Subject JUNE MAIL ~~TECHNICAL SURVEILLANCES-GENERAL~~ Surreptitious Entries

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File Number 62-117666-X76 ~~66-8160-3823~~

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Date of Mail 1/26/76

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DATE 5/19/83 BY SP4ELW/cal

See File 66-2554-7530 for authority.

SP4TRM/cal 1-26-84 3-24-82

Subject JUNE MAIL ~~TECHNICAL SURVEILLANCE-GENERAL~~ Surreptitious Entries

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File Number 62-117166-X77
~~66-8160-3813~~

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4-720 (Rev. 11-17-78)

Date of Mail 02/04/76

Classification of Mail:

- [X] Unclassified
- [] Confidential
- [] Secret
- [] Top Secret
- [] SCI

Mail Category

Letter _____ Airtel _____

LHM _____ Memo X

Report _____ Other _____

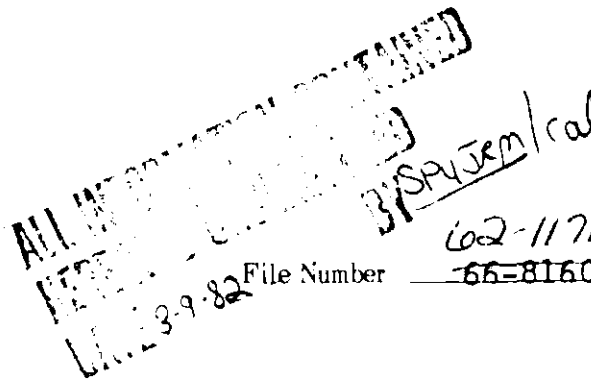
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Subject Surreptitious Entries ~~TECHNICAL SURVEILLANCE GENERAL~~

Originator of Material FBIHQ

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Date of Mail 2/12/76

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See File 66-2554-7530 for authority.

Class. & Ext. By SP4JRM/cal
Reason - FCIM II 1-2
Date of Review 2-12-96
3-24-82

Subject JUNE MAIL ~~TECHNICAL SURVEILLANCE-GENERAL~~ Surreptitious Entries

Removed By 79 FEB 24 1976

File Number 62-117166-X79
~~66-8160-3818~~

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Date of Mail 2/13/76

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DATE 3-9-82 SPJ/RMJ/cal

Subject JUNE MAIL ~~TECHNICAL SURVEILLANCES-GENERAL~~ Surreptitious Entries

Removed By 79 MAR 2 1976

File Number 62-117166-X80
~~66-8160-3819~~

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DATE 5/19/83 BY SP4ELW/cal

Class. & Ext. By SP4JTM/cal
Reason-FCIM II, 1-2.2
Declassify on: 2-17-96
3-9-82

See File 66-2554-7530 for authority.

Subject JUNE MAIL ~~TECHNICAL SURVEILLANCE-GENERAL~~ Surreptitious Entries

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Removed By 79 FEB 24 1976

File Number 62-117166-181
~~66-8160-3817~~

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Class. & Ext. By SP4JRM/cal
Reason 1.4.2
Date of Review 3-18-96
3-9-82

See File 66-2554-7530 for authority.

Subject JUNE MAIL ~~TECHNICAL SURVEILLANCES-GENERAL~~ Surreptitious Entries

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Reason-FCIM, 1-2-4-2
Declassify On: 2-20-96
347-82

See File 66-2554-7530 for authority.

Subject JUNE MAIL ~~TECHNICAL SURVEILLANCES-GENERAL~~ Surreptitious Entries

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File Number 62-117166-183
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See File 66-2554-7530 for authority.

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2-20-96
3-2482

Subject JUNE MAIL ~~TECHNICAL SURVEILLANCE-GENERAL~~ Interceptions Entries

Removed By

File Number ~~66-8160-3824~~ 62-117166-184

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3-9-82

Subject JUNE MAIL ~~TECHNICAL SURVEILLANCE-GENERAL~~

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Subject JUNE MAIL ~~TECHNICAL SURVEILLANCE-GENERAL~~ Surreptitious Entries

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File Number 62-117166-X56
~~66-8160-3825~~

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COT...X.....NL

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2-25-96
3-24-82

See File 66-2554-7530 for authority

Subject JUNE MAIL ~~TECHNICAL SURVEILLANCE-GENERAL~~

Surreptitious Entries

Removed By 7 9 MAR 1976

File Number 62-117166-X87
~~66-8160-3827~~

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DATE 3-9-82 SP/JFM/al

See File 66-2554-7530 for authority.

Subject JUNE MAIL ~~TECHNICAL SURVEILLANCE-GENERAL~~ Surreptitious Entries

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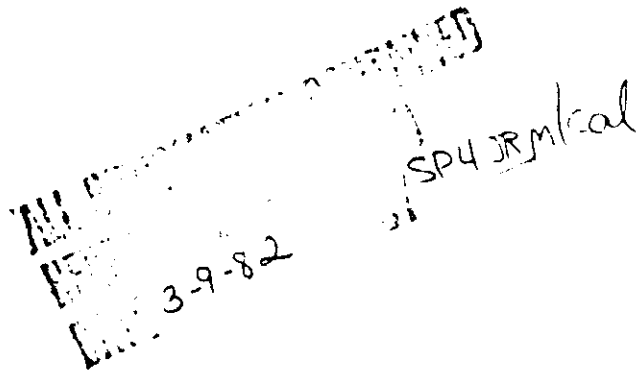
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Subject JUNE MAIL ~~TECHNICAL SURVEILLANCES-GENERAL~~ Surreptitious Entries

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~~66-8160-3831~~

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Subject JUNE MAIL ~~TECHNICAL SURVEILLANCES-GENERAL~~ Surreptitious Entries

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File Number ~~66-8160-3832~~ 62-117606-X90

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SPYSRM/cal
2-96
3-22-25-82
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DATE 5/19/83 BY SP4EW/cal

Subject JUNE MAIL ~~TECHNICAL SURVEILLANCE-GENERAL~~ Surreptitious Entries

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File Number 62-117166-X91
~~66-8160-3913~~

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See File 66-2554-7530 for authority.

Technical
3-21-76
3-9-82
ALL [illegible] CONTAINED
HEREIN [illegible] CLASSIFIED
DATE 5/19/83 BY SP4EW Cal

Subject JUNE MAIL ~~TECHNICAL SURVEILLANCES-GENERAL~~ Surreptitious Entries

Removed By 79 APR 1976

File Number 62-117160-X92
~~66-8160-3835~~

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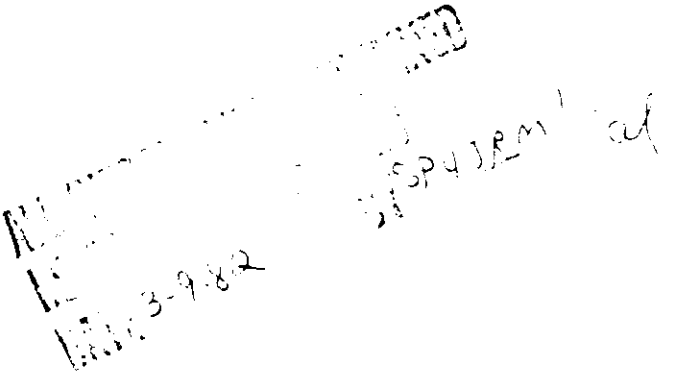
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Subject Surreptitious Entries JUNE MAIL ~~TECHNICAL SURVEILLANCE-GENERAL~~

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File Number 62-117160-X93 ~~66-8160-3834~~

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Subject JUNE MAIL - Surreptitious Entries

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File Number 62-117696-X94

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See File 66-2554-7530 for authority

Subject JUNE MAIL - ~~TECHNICAL SURVEILLANCE--GENERAL~~ Surreptitious Entries

Removed By 84 APR 27 1976

File Number 62-117666-X95
~~66-8160-3844~~

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See File 66-2554-7530 for authority.

Subject JUNE MAIL - ~~TECHNICAL SURVEILLANCE--GENERAL~~ Surreptitious Entries

Removed By 84 APR 27 1978

File Number 62-117646-X96 ~~66-8160-3843~~

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See File 66-2554-7530 for authority.



Subject JUNE MAIL

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File Number 62-117166-X97

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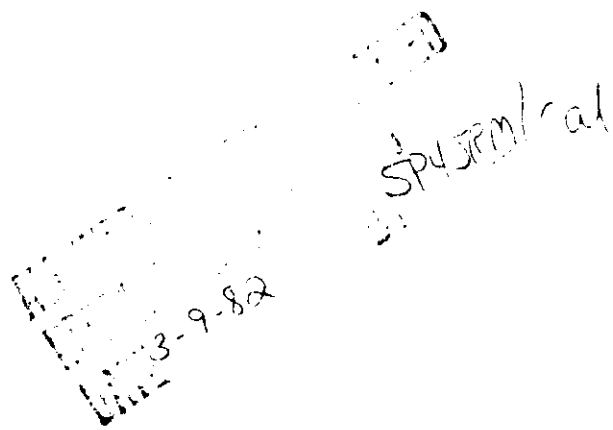
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4-312 (Rev. 12-11-73)

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See File 66-2554-7530 for authority.



Subject JUNE MAIL - ~~TECHNICAL SURVEILLANCE--GENERAL~~ Surreptitious Entries

Removed By 84 APR 21 1976

File Number ~~66-8160-3837~~ 62-117166-X98

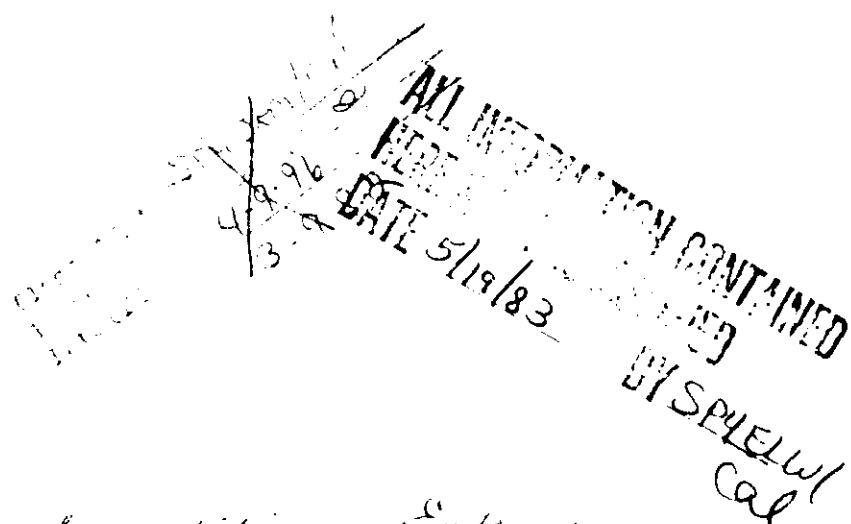
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See File 66-2554-7530 for authority.

Subject JUNE MAIL - ~~TECHNICAL SURVEILLANCE--GENERAL~~ Surreptitious Entries

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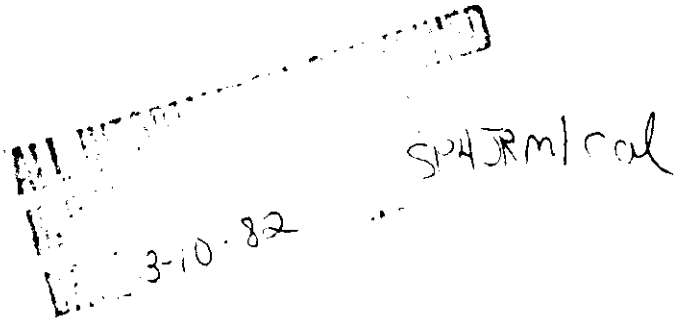
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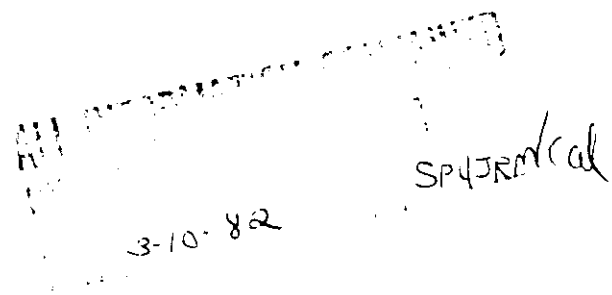
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Subject JUNE MAIL Surreptitious Entries

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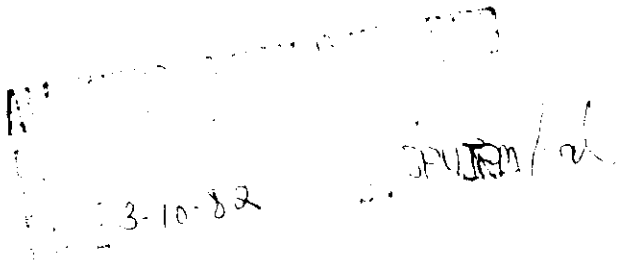
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The Attorney General

May 19, 1976

Director, FBI

SURREPTITIOUS ENTRIES

The purpose of this communication is to advise you of the results of the review made by representatives of the Inspection Division of surreptitious entries conducted by our New York Office in 1972 and 1973.

As a matter of background, the Department was previously advised that information had been uncovered indicating that some surreptitious entries had been conducted by Bureau personnel of our New York Office in 1972 and 1973. Departmental representatives personally reviewed the material maintained in our New York Office relative to this matter. Following this review, with approval of the Department, representatives of the Bureau's Inspection Division proceeded to New York for a similar review. As requested by the Department, no pertinent interviews were conducted in connection with the Inspection Division's inquiry.

62-117166-X117

As the Department is aware, there is maintained in the New York Office a four-drawer file cabinet physically located in the Personnel Files Unit. The top drawer contains twenty-seven volumes covering surreptitious entries by New York from 1954 to the last recorded entry, April 16, 1973. SAC Folder 25 contained nine memoranda disclosing nine surreptitious entries, seven in 1972 and two in 1973. Departmental representatives, while in New York, obtained Xerox copies of these memoranda.

REC-3 14 MAY 20 1976

For your information, in addition to the above nine, a review of pertinent files disclosed seven additional entries and two other possible entries. Of the additional seven, three took place in 1972 and four in 1973, with the last recorded date being April 18, 1973. The two other possible entries occurred in the latter part of 1972.

NOTE: Based on memo H. N. Bassett to Mr. Callahan captioned "Surreptitious Entries" dated 5/11/76, wherein it was recommended, and approved by the Director, that the Department be advised of the pertinent results of Inspection Division's inquiry regarding captioned matter.

HNB (7)

62-117166

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The Attorney General

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In the second drawer of the above-referred-to file cabinet additional material pertaining to surreptitious entries was also located and specific reference is made to SAC Folder (C). It is the Bureau's understanding that Xerox copies of the top six serials of this folder were made available to Departmental representatives while in New York. In essence, this folder deals almost exclusively with obtaining keys from various sources, with the possible intended purpose of utilizing them for surreptitious entries. During the Inspection Division's review of this particular material it was ascertained that sometime in the latter part of 1973 an inventory was made of the Tel-Kee cabinet.

[redacted] (C)

ALL [redacted] (C)

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The Attorney General

~~CONFIDENTIAL~~

(LHO) [redacted]

The foregoing is submitted for your information.

1 - The Deputy Attorney General

1 - Assistant Attorney General
Civil Rights Division

1 - Mr. Michael E. Shaheen, Jr.
Office of Professional Responsibility

HMD

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GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : MR. CALLAHAN

DATE: 5/27/76

FROM : J. B. ADAMS

SUBJECT: SURREPTITIOUS ENTRIES INVOLVING DOMESTIC TARGETS

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On 5/25/76 at the request of Assistant Attorney General Pottinger a meeting took place between Mr. Pottinger, Mr. Kelley, Bill Gardner, Chief of the Criminal Section of the Civil Rights Division, and me. The purpose of the meeting was to determine how to proceed with the investigation of surreptitious entries which occurred within the statute of limitations. Mr. Pottinger advised there were 15 or 20 such incidents which have been discovered to date as a result of FBI and Departmental review. This number represents the number of entries and does not represent the number of separate targets, these being fewer in number.

Prior to submitting any recommendation to the Attorney General, Mr. Pottinger wished to propose to Mr. Kelley the following procedure. He feels that the basic investigation should be conducted by FBI Agents who would work closely with attorneys of the Civil Rights Division who would direct the lines of inquiry and on occasion participate in investigative interviews.

Mr. Pottinger felt that in order to facilitate the prompt completion of these inquiries and avoid the possibility of premature leaks, normal reporting channels should be avoided and the results of investigative activity should be furnished to the Civil Rights Division and to Mr. Kelley and me.

FBI 11-7-66

Mr. Kelley suggested Mr. Pottinger contact Mr. Dowd of the Department who is supervising the U. S. Recording investigation for his views as to how the Ash group is functioning. Mr. Kelley pointed out that coordination of the investigative activity was desirable and a responsible Bureau official should be placed in charge of the FBI Agents conducting the investigation. That group could in turn report to me and I could keep Mr. Kelley informed as he did not think it would be necessary for him to

JBA [redacted] (6)(7)(C) CH 4Q

(3)

1 - Mr. Jenkins

16 JUL 23 1976 MCT-31

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see personally all of the FD-302s and other results of investigative activity. Mr. Pottinger indicated he would give consideration to that.

Other alternatives were discussed such as having the Secret Service or some other agency provide the investigative agents or have Departmental attorneys conduct the entire investigation; however, it was tentatively agreed that it would be best to have the FBI Agents conduct the investigation.

Mr. Pottinger raised several potential problem areas. One was the fact that once active inquiries begin there was the potential of news leaks and these should be avoided if at all possible. Mr. Pottinger was very pleased that thus far the news media are unaware that there are surreptitious entries which have been determined to have taken place within the statute of limitations. It was agreed that since the matter was a pending investigative matter no announcement of this fact should be made and inquiries should be responded to by the Department as long as possible by merely stating that the matter was under investigation.

A discussion was had as to whether the Church Committee should be advised that surreptitious entries took place within the statute of limitations or whether it would be more appropriate to notify the new Senate Oversight Committee and the Eastland Committee of this fact. Mr. Pottinger indicated that he wanted to give further thought to this matter before reaching a conclusion.

It was agreed that current case law indicated that the proper manner of proceeding would be to advise the affected agents of their rights as well as of the fact that their choosing to exercise their rights would not be used against them administratively. Those Agents choosing to exercise their rights against self incrimination could then be advised, after a determination is made by the Departmental attorneys involved, that they are being granted use immunity or transactional immunity and, therefore, must answer questions posed by the investigator. His failure to answer questions after having been granted immunity would subject him to a charge of insubordination which could result in his dismissal.

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The question of legal representation was discussed and it was Mr. Pottinger's feeling that those Agents desiring legal representation should be provided private-counsel at Government expense. This matter would have to be resolved with the Civil Division, however, before a final determination could be made. A more troublesome area was discussed which is the situation where an indictment might be returned at which time a conflict of interest might require the Government to cease providing counsel or funds for private counsel. This answer would likewise have to be resolved should such a situation develop.

Mr. Pottinger suggested that a memorandum be sent to all offices cautioning that appropriate files and records should be maintained to insure no hindrance to the inquiry. Such a communication will be submitted for approval.

Mr. Pottinger advised that the purpose of the inquiry would also be to determine if there are any other cases of surreptitious entries taking place in the domestic field within the past five years unrelated to approved electronic surveillances, and he was advised that we had canvassed all SACs, Section Chiefs and above in this regard. Mr. Kelley advised Mr. Pottinger that he was most interested in getting this matter resolved once and for all and had been in the process of issuing instructions to have each Agent on the rolls asked as to whether he has any personal knowledge of such matters. Mr. Pottinger advised that he would prepare a proposed question in this regard and then would get together with us to review our proposed questionnaire to determine exactly the type of inquiry to be made of each Agent.

Mr. Pottinger felt that approximately ten Agents would be needed to complete these investigations. He suggested that he be furnished the names of 15 or 20 possible candidates from which group he would select the ten to be utilized. He requested that the Agents selected not ever have had service in New York, Washington Field, or Domestic Intelligence Division, nor should they ever have been engaged in surreptitious entries in the domestic field at any time other than in connection with approved electronic surveillances. He indicated that at the time of selection by him

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he would secure an affidavit from them to this fact. Mr. Pottinger also requested assurance that the Agents involved in the investigations would suffer no adverse effect on their career, and in this connection suggested that it would be desirable to have individuals selected who are

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Assistant Attorney General
Civil Rights Division

June 1, 1976

Director, FBI

1 - Mr. Leavitt
1 - Mr. Bassett
1 - Mr. Walsh
1 - Mr. Mintz

INVESTIGATION OF SURREPTITIOUS ENTRIES

On Friday, May 28, 1976, William J. Gardner, of your division, requested that we submit to you our views concerning the procedures to be followed in conducting investigations of surreptitious entries which occurred within the statute of limitations. This memorandum will confirm our conference on May 25, 1976, in which I advised that in conducting an investigation of this nature it would be necessary for us to advise those employees who would appear to be suspects of their constitutional rights by furnishing them the Miranda warnings and requesting of them a waiver of their rights. Further, we would advise such employees that there would be no administrative penalty applicable to them if they exercise their constitutional rights in declining to answer questions where to do so would result in self-incrimination. In the event an employee exercised the privilege against self-incrimination and it appeared to the Department to be desirable to grant immunity from prosecution, the Department would determine the nature and scope of the immunity to be granted.

EX-112 REC-66

Thereafter, upon notification in writing of the immunity granted, employees would be required to respond to appropriate inquiries within the bounds of the immunity granted or face appropriate administrative action.

JUN 9 1976

NOTE: Based on telephonic request received by Mr. Adams from William J. Gardner on May 28, 1976

JAM [redacted] (6)(7)(C)

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PLAINTEXT TELETYPE URGENT

JUNE 1, 1976

TO ALL SACS AND LEGATS

FROM DIRECTOR FBI

1 - Mr. Callahan
1 - Mr. Jenkins
1 - Mr. Adams
1 - Each Assistant Director

SURREPTITIOUS ENTRY

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62-117964-9

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REC-88

CC of teletype furnished AAG, Civil Rights Division by r/s 6/2/76.

NOTE: Mr. Adams requested this communication be prepared in response to item #4 in a memorandum from Assistant Attorney General, Civil Rights Division, to the Director dated May 28, 1976, captioned "Surreptitious Entry Investigation." Ticklers for information only at FBIHQ need not be retained, per instructions of Wm. J. Gardner, 6/1/76.

JAM[redacted]

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FEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET

1 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

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☐ Information pertained only to a third party with no reference to you or the subject of your request.

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Date of Mail 6/[illegible]

H is been removed and placed in the Special File Room of Records Section.

See File 66-2554-7530 for authority.

Subject JUNE MAIL - [illegible] - GENERAL

Removed By 97 JUN 23 1976

File Number 66-8169-3863

Permanent Serial Charge Out

FBI/DOJ

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Date of Mail

Has been removed and placed in the Special File Room of Records Section.

See File 66-2554-7530 for authority

Subject JUNE MAIL -

Removed By 97 AUG 17 1976

File Number

Permanent Serial Charge Out

FBI - DOJ

For more Information on OCR and PDF Compression visit ThePaperlessOffice.org

6-312 (Rev. 12-11-75)

Date of Mail

Has been removed and placed in the Special File Room of Records Section.

See File 66-2554-7530 for authority

Subject JUNE MAIL - ~~[illegible]~~ Surreptitious Entries

Removed By 97 AUG 17 1976

File Number

Permanent Serial Charge Out

FBI DOJ

For more Information on OCR and PDF Compression visit ThePaperlessOffice.org

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Adams

DATE: 6/14/76

FROM : James Joseph Dolan

SUBJECT: DEPARTMENT OF JUSTICE
CIVIL RIGHTS PROJECT

PURPOSE:

This is to advise the personnel who will be working on captioned project the space location and telephone numbers that will be used.

DETAILS:

Personnel assigned to the Department of Justice Civil Rights Project are operating out of Room 6240, which is space temporarily allocated to this project from existing Inspection Division space. The telephone numbers assigned to this project are extension 2839, which will be the number of the Investigations Coordinator; secretarial staff can be contacted on extension 2838; and Agent personnel can be contacted on extension 2837.

The following Agent personnel have been assigned to this project:

NAME	OFFICE OF ASSIGNMENT	REPORTING DATE
James Joseph Dolan Investigations Coordinator	Baltimore	6/8/76
Joseph P. Schulte, Jr. Number One Man	FBIHQ (Div. 10)	6/8/76
[redacted]	FBIHQ (Div. 3)	6/8/76
	FBIHQ (Div. 13)	6/8/76
	Newark	6/11/76
	Pittsburgh	6/14/76
	Pittsburgh	6/14/76
	Cleveland	6/14/76
	Cleveland	6/14/76
	Buffalo	6/14/76
	Baltimore	6/11/76
	Newark	6/11/76
	Baltimore	6/14/76

b1(6)

b1(6)

1 - Mr. Bassett
1 - Mr. Dolan

JJD[redacted](4)

CONTINUED PAGE TWO

JUL 23 1976

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

MR. MAY
PERS. REC. UNIT

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The following clerical personnel have also been assigned to this project:

(b)(6)

NAME	OFFICE OF ASSIGNMENT	REPORTING DATE
[redacted] Steno	FBIHQ (Div. 8)	6/14/76
[redacted] Clerk	FBIHQ (Div. 6)	6/11/76
[redacted] Clerk	FBIHQ (Div. 4)	6/14/76
[redacted] Clerk	FBIHQ (Div. 1)	6/14/76
[redacted] Steno	FBIHQ (Div. 9)	6/16/76

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FEDERAL BUREAU OF INVESTIGATION

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☒ The following number is to be used for reference regarding these pages:
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PLAINTEXT TELETYPE URGENT

TO ALL SACS 6/15/76

FROM DIRECTOR FBI

REC-21 11-166 5

CIVIL RIGHTS DIVISION CRIMINAL INVESTIGATION OF SURREPTITIOUS ENTRIES.

CAPTIONED INVESTIGATION HAS BEEN INSTITUTED WITH THE ASSISTANCE OF SELECTED BUREAU AGENTS. BUREAU EMPLOYEES SHOULD COOPERATE WITH THIS INVESTIGATION. COOPERATION SHOULD INCLUDE MAKING AVAILABLE TO CIVIL RIGHTS DIVISION ATTORNEYS OR AGENT TASK FORCE INVESTIGATORS ANY FILES REQUESTED EXCEPT INFORMANT FILES, REQUESTS FOR WHICH SHOULD BE REFERRED TO ME FOR RESOLUTION WITH ASSISTANT ATTORNEY GENERAL, CIVIL RIGHTS DIVISION. SPECIAL AGENTS CONTACTED AND INFORMED THAT THEY ARE SUBJECTS OF THIS INVESTIGATION AND REQUESTED TO BE INTERVIEWED ARE ENCOURAGED TO COOPERATE IN THIS INVESTIGATION BUT SHOULD UNDERSTAND PLAINLY AND UNEQUIVOCALLY THAT THERE WILL BE NO ADMINISTRATIVE PENALTY APPLICABLE TO THEM IF THEY

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 3-1-82 BY SP4 RMC/cal

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Dep. AD Inv. ___
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Rec. Mgmt. ___
Spec. Inv. ___
Training ___
Telephone Rm. ___
Director Sec'y ___

1 - Mr. Callahan (Sent direct)
1 - Mr. Jenkins (Sent direct)
1 - Mr. Adams (Sent direct)
1 - Each Assistant Director (Sent direct)
1 - Richard Long

JBA [redacted] SEE NOTE LAST PAGE

MAIL ROOM ☐ TELETYPE UNIT ☐

DEC 7 1976

FBI/DOJ

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EXERCISE THEIR CONSTITUTIONAL RIGHTS (THE PRIVILEGE AGAINST SELF-INCRIMINATION) IN DECLINING TO ANSWER QUESTIONS.

THE ASSISTANT ATTORNEY GENERAL ADVISES 'INASMUCH AS ANY DECISIONS REGARDING IMMUNITY WOULD AT THIS STAGE BE PREMATURE, WE ARE SPECIFICALLY CONCERNED THAT NO PROMISE OR EVEN INFERENCE BE COMMUNICATED TO ANY AGENTS THAT SOME UNDERSTANDING WITH RESPECT TO IMMUNITY HAS ALREADY BEEN REACHED."

EMPLOYEES SHOULD BE MADE AWARE THAT REQUESTS FOR THE APPOINTMENT OF COUNSEL WILL BE FORWARDED TO THE DEPARTMENT OF JUSTICE FOR DECISION AS TO WHETHER PRIVATE COUNSEL WILL BE PAID FOR WITH GOVERNMENT FUNDS. QUESTIONS CONCERNING THE AVAILABILITY OF COUNSEL SHOULD BE PRESENTED TO THE LEGAL COUNSEL DIVISION, FBIHQ.

NOTE: Based on memorandum to James Adams from J. Stanley Pottinger, Assistant Attorney General, Civil Rights Division, captioned "Advising the New York Division of the Surreptitious Entry Investigation," June 14, 1976.

APPROVED:
Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.
Admin. Serv.
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NY 327

NRDS NY CODED

308 PM IMMEDIATE JUNE 16, 1976 CRS

TO: DIRECTOR, FBI

FROM: ADIC,,, NEW YORK

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CIVIL RIGHTS DIVISION CRIMINAL INVESTIGATION OF

SURREPTITICUS ENTRIES

ALL (b)(1), (b)(2), (b)(7)(D)

CONFIDENTIAL

REBUREAUTELETYPE TO ALL SACS, JUNE 15, 1976.

ON JUNE 16, 1976, ALERT TASK FORCE, NEW YORK OFFICE HANDLING CAPTIONED MATTER REQUESTED FOLLOWING INFORMANT FILES TO BE MADE AVAILABLE FOR REVIEW:

[redacted] (EXTREMIST); NEW YORK FILE [redacted]

BUREAU FILE [redacted]

[redacted] (EXTREMIST); NEW YORK FILE [redacted]

BUREAU FILE [redacted]

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REC-111

CONFIDENTIAL

18 JUL 23 1976

Class. & Ext. By SP4 Rml Cal
Reason - 1.1 (c)
Declassify on: OADR 6-16-96
3-24-82

Classified by SP4 E.J. MR. MACY
Declassify on: OADR 3/20/83

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[redacted]

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[redacted]PSI; NEW YORK FILE [redacted]

NO BUREAU FILE.

[redacted]NEW YORK FILE [redacted]BUREAU FILE [redacted]

[redacted](EXTREMIST); NEW YORK FILE [redacted]

BUREAU FILE [redacted]

BUREAU SHOULD RESOLVE WITH ASSISTANT ATTORNEY GENERAL, CIVIL RIGHTS DIVISION, WHETHER ABOVE FILES SHOULD BE MADE AVAILABLE TO AGENT TASK FORCE FOR REVIEW.

)--- CLASSIFIED BY 7374; XGDS 2; INDEFINITE.

[redacted]

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FBI Team to Bypass Kelley

4-1

By John M. Crewdson
Washington Post Staff Writer

FBI Director Clarence M. Kelley has agreed to allow his agents, investigating allegations of burglaries by bureau teams, to bypass him and other FBI executives and report their findings directly to the Justice Department.

Kelley also admitted yesterday that he was wrong when he said last year that FBI burglaries against suspected domestic subversives had been terminated in 1966. The bureau, he said, had uncovered information about break-ins committed by FBI agents in 1972 and 1973, and these burglaries are the subject of the current investigation.

His statement came after the Associated Press reported that a special team of 12 FBI agents, assigned to the probe, had been instructed not to give their investigative reports to Kelley or other bureau officials.

The AP report prompted Assistant Attorney General J. Stanley Pottinger, whose Civil Rights Division is in charge of the inquiry, to issue a statement saying reports that "Kelley has been sealed off from all aspects of this investigation are wrong."

Mr. Kelley has taken the unusual step of detailing a group of FBI agents to assist the Civil Rights Division in this investigation, and they report only to my executive staff and to me, not through FBI channels," Pottinger continued.

"Nevertheless," he added, "Mr. Kelley and I have felt free to consult each other personally as we have found it necessary and appropriate . . . Whatever information is shared with him remains in his personal knowledge and possession only and is not disseminated to other persons in the FBI or elsewhere."

Pottinger did not elaborate further. However, it

The Washington Post 4-1
Washington Star-News ___
Daily News (New York) ___
The New York Times ___
The Wall Street Journal ___
The National Observer ___
The Los Angeles Times ___

Date JUL 1 1976

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was learned that the arrangement between the FBI and the Justice Department, which has policy control over the bureau, was set up partially to ensure the appearance of impartiality in the probe.

Kelley, it was learned, is not under any suspicion of complicity in wrongdoing by the bureau. Nor is there any feeling at the Justice Department that he would not conduct a thorough investigation of the burglaries had he remained in charge.

But, it was felt by Justice officials that because the investigation might involve former or present high-ranking FBI officials, the probe should be controlled from outside the FBI. Kelley is understood to have agreed and to have assisted in setting up the procedure under which the FBI investigators report directly to Pottinger and his staff.

The investigation, which came to light last week, centers on allegations that FBI agents carried out burglaries at the homes or offices of suspected domestic subversives during the past five years. It is not known how many break-ins took place or how many agents were involved, but the probe so far has centered on the New York field office.

In his statement yesterday, Kelley recalled that he had said, during a July, 1975, press conference, that the late FBI Director J. Edgar Hoover had terminated all burglaries by bureau personnel relating to the domestic security field in 1966.

In making that statement, Kelley said he had relied on a memorandum written by Hoover in 1966 "and upon the recollections of current headquarters personnel."

"On March 17, 1976," he continued, "FBI headquarters learned as a result of inquiries in connection with a pending lawsuit that folders in our New York office contained information concerning entries subsequent to 1966 and the Department of Justice was notified the same day by us."

The resulting investigation was turned over to Pottinger's division because it involves possible criminal charges that FBI men violated the civil rights of citizens through the burglaries.

"It was through this means," Kelley continued, "that I learned of the existence of a limited number of surreptitious entries conducted in 1972 and 1973 . . . The FBI under my direction is cooperating with the Department of Justice in a full and complete investigation to determine all the facts of this matter."

During 1972 and 1973, the FBI was headed by four men: Hoover, who died in May, 1972; L. Patrick Gray, who was acting director until April, 1973; William D. Ruckelshaus, who succeeded Gray as acting director until July, 1973, and Kelley, who was sworn in as director on July 9, 1973.

FBI sources said last night that all of the burglaries alluded to in Kelley's statement took place before he became director.

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Kelley Kept From FBI Probe Reports

By Margaret Gentry
Associated Press

The Justice Department has blocked FBI Director Clarence M. Kelley from receiving investigative reports on a probe of FBI burglaries, according to a knowledgeable source.

The department official in charge of the investigation has hand-picked a team of 12 FBI agents to do much of the legwork in the case, this source and others familiar with the developments said yesterday.

The agents' reports may have been sent to Kelley and one of his top assistants, James Adams, early in the investigation, the sources said. But that was changed on orders from department officials and agents now are allowed to report their findings to Kelley or Adams, the sources said.

IT IS UNUSUAL for the FBI director to be sealed off from reports of certain events even in investigations involving alleged FBI misconduct. It could not be determined why department officials took such action. But the probe is being conducted in even greater secrecy than usual and few outside officials have been told of the details.

The investigation centers on allegations that FBI agents carried out burglaries at the homes or offices of Americans during the last few years.

It is not known how many burglaries might be involved.

Sources said the investigation involves possible criminal charges that the men violated the civil rights of persons in the break-ins.

THE DEPARTMENT probe is under the over-all direction of Asst. Atty. Gen. J. Stanley Pottinger, head of the civil rights division.

"I've seen Stan shake his head in dismay at what they've found," a department official remarked.

In a development related to the probe, Asst. FBI Director Andrew Sapora has hired a well-known Washington attorney, Edward Bennett Williams, to represent him, sources said.

Sapora was assigned to job dealing with security matters for years before Kelley appointed him assistant director for the congressional liaison division in 1971. He remains in charge of the records division.

One source familiar with the case said Kelley is concerned that the burglary investigation raises doubts about his credibility and control of the bureau.

KELLEY HAS insisted for the past year that FBI burglaries against domestic targets ended in 1966, long before he took office in 1973.

But the department now is investigating burglaries conducted since 1971. Published reports have indicated that some of the burglaries took place after Kelley took office.

If the burglaries were conducted without Kelley's knowledge — and there's no publicly available evidence to the contrary — that raises questions about the strength of the director's leadership.

The FBI refuses comment.

One target of the post-1971 burglaries was the Socialist Workers Party, according to sources. FBI files previously released show the bureau had a special unit to investigate the party from 1960 through 1976.

[illegible], chief of the civil rights division's criminal section, directly supervises the [illegible] investigation.

Sources said Pottinger picked the 12 agents to do the legwork on the case, and the agents report directly to him.

The agents "were carefully selected so as not to have any conflicts of interest," one source said. The agents have never worked in the intelligence field and have never been assigned to the FBI field offices involved in the investigation, the source added.

The New York field office is a prime focus of the investigation but others are involved, sources have said.

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Director Sec'y ___

The Washington Post ___
Washington Star-News ___
Daily News (New York) ___
The New York Times ___
The Wall Street Journal ___
The National Observer ___
The Los Angeles Times ___

Date JUN 30 1976

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NY316

NR 211 NY CODE

3:58PM IMMEDIATE 6-16-76 SJB

TO: DIRECTOR, FBI

FROM: ADIC, NEW YORK

C O N F I D E N T I A L

ATT: OFFICE OF LEGAL COUNSEL

CIVIL RIGHTS DIVISION CRIMINAL INVESTIGATION OF

SURREPTITIOUS ENTRIES.

ON JUNE 11, 1976, [redacted] WAS TELEPHONICALLY CONTACTED BY WILLIAM GARDNER, CIVIL RIGHTS DIVISION, US DEPARTMENT OF JUSTICE, WHO ADVISED THAT SA [redacted] IS SUBJECT IN CAPTIONED INVESTIGATION.

ON INSTANT DATE SA [redacted] WILL CONFER WITH COUNSEL, [redacted] AND DISCUSS ALL ASPECTS OF THIS MATTER, INCLUDING CONFIDENTIAL SECURITY INVESTIGATION TECHNIQUES, UACB.

~~CLASSIFIED BY 7-76; XGDS 2; INDEFINITE~~.

END

[redacted]

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ON 3-1-82

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16 JUL 23 1976

MR. MAC

PERS/REC UNIT

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Director Sec'y ____

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CODE TELETYPE IMMEDIATE

1 - Mr. J. B. Adams
1 - Mr. J. A. Mintz

TO: SACS, ALBANY
NEW YORK

JUNE 17, 1976

REC-111

FROM: DIRECTOR, FBI

1 - Mr. E. W. Walsh
1 - Mr. T. W. Leavitt
1 [redacted]

CIVIL RIGHTS DIVISION
CRIMINAL INVESTIGATION
OF SURREPTITIOUS ENTRIES

PERSONAL ATTENTION

RENYTEL AND ALBANY TELETYPE BOTH DATED JUNE 16, 1976.

CONFIRMING TELEPHONIC INSTRUCTIONS FURNISHED THIS DATE TO SAC, HERBERT A. GRUBERT OF THE NEW YORK OFFICE AND JOHN J. HINCHCLIFFE OF THE ALBANY OFFICE, SPECIAL AGENTS WHO HAVE BEEN ADVISED THEY ARE SUBJECTS OF CAPTIONED INVESTIGATION, ARE PROHIBITED FROM DISCLOSING CLASSIFIED INFORMATION TO THEIR COUNSEL IN ACCORDANCE WITH TITLE 28, CODE OF FEDERAL REGULATIONS, SECTION 17 (28 CFR 17) WHICH PRECLUDES DISSEMINATION OF SUCH INFORMATION OUTSIDE EXECUTIVE BRANCH EXCEPT UNDER CONDITIONS AND THROUGH CHANNELS AUTHORIZED BY THE ATTORNEY GENERAL. SPECIAL AGENTS WHO HAVE BEEN ADVISED BY DEPARTMENT ATTORNEYS THAT THEY ARE SUBJECTS IN CAPTIONED INVESTIGATION,

[redacted]

(7)

SEE NOTE PAGE TWO

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FBI/DOJ

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SHOULD ALSO BE TOLD THEY MAY ADVISE THEIR COUNSEL THE LATTER MAY REQUEST THE ATTORNEY GENERAL TO AUTHORIZE CLEARANCE FOR COUNSEL'S ACCESS TO NATIONAL SECURITY INFORMATION IN CONNECTION WITH THEIR LEGAL RESPONSIBILITY TO THEIR CLIENT.

ALL (b)(6) (7)(C)

NOTE:

This matter was referred to the Department Review Committee on 6/17/76, by S[redacted] the FBI Document Classification Officer, in a meeting in the Office of Committee Chairman Deputy Assistant Attorney General Leon Ulman, Office of Legal Counsel. Also present were Deputy Assistant Attorney General Robert Keuch, Criminal Division; Deputy Assistant Attorney General Mary Lawton, Office of Legal Counsel; and Mark Grunewald, Office of Legal Counsel. Also present were SA [redacted] Legal Counsel Division and [redacted] of Intelligence Division. The DRC concurred in these instructions and Mr. Keuch indicated he would make further inquiries of Civil Rights Division to resolve this problem which in effect denies Special Agents uninhibited advice of Counsel. SAC Gtubert notified by Mr. Paul L. Mack and ASAC Hinchcliffe notified by SA [redacted] This communication is based on notification by New York and Albany Offices that involved personnel intend to confer with private counsel to discuss aspects of this matter, including confidential security investigation techniques.

APPROVED:	Ext. Affairs	Laboratory
Assoc. Dir.	Fin. & Pers.	Legal Coun.
Dep. AD Adm.	Gen. Inv.	Plan. & Eval.
Dep. AD Inv.	Ident.	Rec. Mgmt.
Asst. Dir.:	Inspection	Spec. Inv.
Adm. Serv.	Intell. TWL	Training

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NY3:9

AR RLS NY CODE

4:15PM IMMEDIATE 6-16-76 SJB

TO: DIRECTOR, FBI

FROM: ADIC, NEW YORK

C O N F I D E N T I A L

ATT: OFFICE OF LEGAL COUNSEL

CIVIL RIGHTS DIVISION CRIMINAL INVESTIGATION OF SURREPTITIOUS ENTRIES.

ON JUNE 15, 1976, SA [redacted] WAS TELEPHONICALLY CONTACTED BY WILLIAM GARDNER, CIVIL RIGHTS DIVISION, US DEPARTMENT OF JUSTICE, WHO ADVISED THAT SA [redacted] IS SUBJECT IN CAPTIONED INVESTIGATION.

ON INSTANT DATE SA [redacted] WILL CONFER WITH COUNSEL, [redacted] AND DISCUSS ALL ASPECTS OF THIS MATTER, INCLUDING CONFIDENTIAL SECURITY INVESTIGATION TECHNIQUES, ETC.

~~CLASSIFIED BY 7-2, XGDS 2, INDEFINITE.~~

END

[redacted]

DECLASSIFIED BY SP4 JRM/cal
ON 9-1-82

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MR [illegible] MACK

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Director's Sec'y	

A308

R 210 NY CODE

:52PM IMMEDIATE 6-16-76 JJB

: DIRECTOR, FBI

ROM: ADIC, NEW YORK

C O N F I D E N T I A L

TT: OFFICE OF LEGAL COUNSEL

IVIL RIGHTS DIVISION CRIMINAL INVESTIGATION OF

JRREPTITIOUS ENTRIES.

ON JUNE 12, 1976, SA [redacted] WAS TELEPHONICALLY

CATACTED BY WILLIAM GARDNER, CIVIL RIGHTS DIVISION, US

PARTMENT OF JUSTICE, WHO ADVISED THAT SA [redacted] IS

UBJECT IN CAPTIONED INVESTIGATION.

ON INSTANT DATE SA [redacted] WILL CONFER WITH COUNSEL,

[redacted] AND DISCUSS ALL ASPECTS OF THIS

ATTER, INCLUDING CONFIDENTIAL SECURITY INVESTIGATION

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NY344

NR 21 NYPLAIN

12:38AM NITEL JUNE 17, 1976 GAD

TO: DIRECTOR, FBI

FROM: ADIC, NEW YORK

C O N F I D E N T I A L

ATTN: OFFICE OF LEGAL COUNSEL

CIVIL RIGHTS DIVISION, CRIMINAL INVESTIGATION OF SURREPTITIOUS ENTRIES.

ON JUNE 11, 1976, JR [redacted] WAS CONTACTED BY MR. WILLIAM GARDNER, ATTORNEY, CIVIL RIGHTS DIVISION, DEPARTMENT OF JUSTICE, AND WAS ADVISED THAT A CRIMINAL INVESTIGATION CONCERNING SURREPTITIOUS ENTRIES WAS BEING INSTITUTED, AND THAT I WAS A SUBJECT OF THIS INVESTIGATION.

ON INSTANT DATE, I WILL MEET WITH MY ATTORNEY, [redacted] MINEOLA, NEW YORK, AND WILL DISCUSS CONFIDENTIAL SECURITY INVESTIGATIVE TECHNIQUES RE THIS MATTER, GAOB.

~~CLASSIFIED BY 7670, XGDS 2, INDEFINITE.~~

END.

RECLASSIFIED BY SP4 JRM/cal ON 9-1-82

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MR MACK

DEPT REC UNIT

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NY345

6:02 NY PLAIN

12:30AM NITEL JUNE 17, 1976 GAB

TO: DIRECTOR, FBI

FROM: ADIC, NEW YORK

C O N F I D E N T I A L

ATTN: OFFICE OF LEGAL COUNSEL

CIVIL RIGHTS DIVISION, CRIMINAL INVESTIGATION OF SURREPTITIOUS ENTRIES.

ON JUNE 12, 1976, SA [redacted] WAS CONTACTED BY MR. WILLIAM GARDNER, ATTORNEY, CIVIL RIGHTS DIVISION, DEPARTMENT OF JUSTICE, AND WAS ADVISED THAT A CRIMINAL INVESTIGATION CONCERNING SURREPTITIOUS ENTRIES HAS BEEN INSTITUTED.

ON INSTANT DATE, I WILL MEET WITH MY ATTORNEY [redacted] MINEOLA, NEW YORK, AND WILL DISCUSS CONFIDENTIAL SECURITY INVESTIGATIVE TECHNIQUES RE THIS MATTER, DACB.

CLASSIFIED BY 7[illegible], XGDS 2, INDEFINITE.

END.

DECLASSIFIED BY SP4 JRM/cab
ON 3-1-82

REC-111

18 JUL 23 1976

MR. MACK

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FBI - REC. UNIT

ALL

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1 - Mr J [illegible]. Adams
1 - Mr. J. A. Mintz
1 - Mr. T. W. Leavitt

CODE TELETYPE NITEL

[redacted]

TO: SAC, DETROIT

JUNE 22, 1976

FROM: DIRECTOR, FBI

PERSONAL ATTENTION

CIVIL RIGHTS DIVISION
CRIMINAL INVESTIGATION
OF SURREPTITIOUS ENTRIES

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 3-1-82 BY SP4 JRM/cal

REDETEL JUNE 18, 1976.

CONFIRMING TELEPHONIC INSTRUCTIONS FURNISHED ON JUNE 18, 1976, TO ASSISTANT SPECIAL AGENT IN CHARGE JAY E. BAILEY, SPECIAL AGENT [redacted] WHO HAS BEEN ADVISED HE IS A SUBJECT OF CAPTIONED INVESTIGATION, IS PROHIBITED FROM DISCLOSING CLASSIFIED INFORMATION TO HIS COUNSEL IN ACCORDANCE WITH TITLE 28, CODE OF FEDERAL REGULATIONS, SECTION 17, WHICH PRECLUDES DISSEMINATION OF SUCH INFORMATION OUTSIDE EXECUTIVE BRANCH EXCEPT UNDER CONDITIONS AND THROUGH CHANNELS AUTHORIZED BY THE ATTORNEY GENERAL. SPECIAL AGENT [redacted] SHOULD ALSO BE TOLD

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

REC-104 [illegible] - 11X

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FBI/DOJ

COMMUNICATIONS SECTION

JUN 24 1976

1452 SUP

TELETYPE

ASSOCIATE DIRECTOR

SEE NOTE PAGE 2

RECEIVED

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MAIL ROOM ☐ TELETYPE UNIT ☑

GPO : 1975 O - 569-920

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HE MAY ADVISE HIS COUNSEL THE LATTER MAY REQUEST THE ATTORNEY GENERAL TO AUTHORIZE CLEARANCE FOR HIS ACCESS TO NATIONAL SECURITY INFORMATION IN CONNECTION WITH HIS LEGAL RESPONSIBILITY TO HIS CLIENT.

NOTE:

This matter was referred to the Department Review Committee (DRC) on 6/17/76 by the Document Classification Officer. The DRC concurred with the instructions. Similar instructions have been sent on 6/17/76 to the Albany and New York Offices where Agents are assigned who are also subjects of this investigation. ASAC Bailey was advised by SA [redacted] (6)(7)(C)

APPROVED:	Ext. Affairs	Laboratory
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[redacted]

[redacted]

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[redacted]

REC-111

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MR. MACK

84 DEC 7 1976

FBI/DOJ

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1 - Mr. Mack

PLAINTEXT TELETYPE URGENT

6/17/76

TO SAC, NEW YORK

FROM DIRECTOR FBI

CIVIL RIGHTS DIVISION CRIMINAL INVESTIGATION OF SURREPTITIOUS ENTRIES

REBUTEL JUNE 15, 1976, URTEL JUNE 16, 1976, AND BUTELCAL JUNE 16, 1976.

ACCESS TO INFORMANT FILES SHOULD BE GRANTED TO AGENT TASK FORCE INVESTIGATORS FOR REVIEW.

NOTE:

New York in its teletype requested authority to give Agent Task Force investigators access to informant files inasmuch as New York Office interpreted prior instructions as requiring Bureau authority for such access. This teletype clarifies prior instructions to New York Office.

PLM:mah
(3)

REC-118 66

18 JUL 23 1976

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COMMUNICATIONS SECTION

JUN 17 1976

TELETYPE

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1 - Mr. B. Adams
1 - Mr. J. A. Mintz
1 - Mr. T. W. Leavitt
1 - Mr. D. Ryan
1 - Mr. Richard Long

June 22, 1976

Assistant Attorney General
Civil Rights Division

Director, FBI

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 3-1-82 BY SP4JRM/cal

CIVIL RIGHTS DIVISION
CRIMINAL INVESTIGATION
OF SURREPTITIOUS ENTRIES

ALL (b)(6) (b)(7)(C)

Enclosed is one copy each of Director, FBI, teletype dated June 15, 1976, directed to all Special Agents in Charge; of Director, FBI, teletype dated June 17, 1976, directed to the Special Agents in Charge of the Albany and New York Offices; and of Director, FBI, airtel dated June 21, 1976, directed to the Special Agent in Charge of our New York City Office, it being noted the first two are captioned as above and the latter is captioned "Document Classification Matter."

These communications are being sent to the Civil Rights Division at the specific request of Department Attorney William Gardner. Copies are enclosed for the other Assistant Attorneys General as they have an interest in this matter as it relates to the protection of classified information in accordance with Executive Order 11652, National Security Council directives and Title 28, Code of Federal Regulations, Part 17 (28 CFR 17). REC-116 62-116065-14

(b)(6) On June 17, 1976, Special Agent [redacted] the FBI Document Classification Officer (who serves as this Bureau's Security Officer in accordance with 28 CFR 17), referred to the Department Review Committee (DRC) this Bureau's concern that classified information, including that involving intelligence sources and methods, could be jeopardized as a result of this inquiry. It was indicated to the DRC that counsel retained by Special Agents who are subjects of the investigation could request and receive from the Attorney General access to receive information classified up to "Top Secret." Thus the Bureau and the Department are confronted with the possibility many requests may be made to the Attorney General by counsel to Special Agents who are subjects of this investigation for clearance for access to national security information to enable them to

3 - Enclosures

1 - 62-116065 (Document Classification Matters)

[redacted] (12)

Delivered personally 6-23-76 JPSchmidt

SEE NOTE PAGE 3

Assoc. Dir.
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adequately advise their clients. Once this information is disseminated outside the Executive Branch of Government, it would be extremely difficult to control or preclude its further dissemination. It was also suggested to the DRC, as this matter could have far-reaching ramifications as relates to the intelligence community, consideration be given to its referral to the Interagency Classification Review Committee.

Instructions set forth in the enclosed teletype dated June 17, 1976, were agreed to on June 17, 1976, by Deputy Assistant Attorney General Leon Ulman, Office of Legal Counsel, who serves as Chairman of the DRC, and by Deputy Assistant Attorney General Robert Keuch of the Criminal Division who is a member of the DRC. A copy of this communication is being sent to the Director, Security and Administrative Programs Staff, Office of Management and Finance, of the Department, it being noted he serves as the Security Officer for the Department and also is a member of the DRC.

Enclosures - 3

1 - Assistant Attorney General for Administration (Enclosures - 3)
Office of Management and Finance
Attention: Director, Security and Administrative
Programs Staff

1 - Assistant Attorney General (Enclosures - 3)
Criminal Division
Attention: Internal Security Section

1 - Assistant Attorney General (Enclosures - 3)
Office of Legal Counsel
Attention: Chairman, Department Review Committee

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Assistant Attorney General
Civil Rights Division

NOTE:

On 6/18/76, Assistant Director John Mintz read the contents of Bureau airtel dated 6/21/76 over the telephone to Department Attorney William Gardner. Gardner made no objection to the forwarding of this airtel but requested he be provided with a copy of the airtel and also with copies of the teletypes dated 6/15/76 and 6/17/76. On 6/21/76, Mr. Gardner contacted SA [redacted] requesting citations for the Executive Order, directives and regulations relating to the classification matters involved.

6/16
EXC

APPROVED:	Ext. Affairs	Laboratory
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FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

JUL 1, 1976

TELETYPE

TO ALL SACS

FROM DIRECTOR

CIVIL RIGHTS DIVISION CRIMINAL INVESTIGATION OF
[redacted] MATTERS.

CAPTIONED INVESTIGATION HAS BEEN INSTITUTED WITH THE ASSISTANCE OF SELECTED BUREAU AGENTS. BUREAU EMPLOYEES SHOULD COOPERATE WITH THIS INVESTIGATION. COOPERATION SHOULD INCLUDE MAKING AVAILABLE TO CIVIL RIGHTS DIVISION ATTORNEYS OR AGENT TASK FORCE INVESTIGATORS ANY FILES REQUESTED EXCEPT INFORMANT FILES, REQUESTS FOR WHICH SHOULD BE REFERRED TO ME FOR RESOLUTION WITH ASSISTANT ATTORNEY GENERAL, CIVIL RIGHTS DIVISION. SPECIAL AGENTS CONTACTED AND INFORMED THAT THEY ARE SUBJECTS OF THIS INVESTIGATION AND REQUESTED TO BE INTERVIEWED ARE ENCOURAGED TO COOPERATE IN THIS INVESTIGATION BUT SHOULD UNDERSTAND PLAINLY AND UNEQUIVOCALLY THAT THERE WILL BE NO ADMINISTRATIVE PENALTY APPLICABLE TO THEM IF THEY EXERCISE THEIR CONSTITUTIONAL RIGHTS (THE PRIVILEGE

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[redacted] 166

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AGAINST SELF-INCRIMINATION) IN DECLINING TO ANSWER QUESTIONS.

THE ASSISTANT ATTORNEY GENERAL ADVISES "INASMUCH AS ANY DECISIONS REGARDING IMMUNITY WOULD AT THIS [illegible] PREMATURE, WE ARE SPECIFICALLY CONCERNED THAT NO PROMISE OR EVEN INFERENCE BE COMMUNICATED TO ANY AGENTS THAT SOME UNDERSTANDING WITH RESPECT TO IMMUNITY HAS ALREADY BEEN REACHED."

EMPLOYEES SHOULD BE MADE AWARE THAT REQUESTS FOR THE APPOINTMENT OF COUNSEL WILL BE FORWARDED TO THE DEPARTMENT OF JUSTICE FOR DECISION AS TO WHETHER PRIVATE COUNSEL WILL BE PAID FOR WITH GOVERNMENT FUNDS. QUESTIONS CONCERNING THE AVAILABILITY OF COUNSEL SHOULD BE PRESENTED TO THE LEGAL COUNSEL DIVISION, FBIHQ.

END

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Airtel

6/21/76

To: SAC, New York

PERSONAL ATTENTION

From: Director, FBI (62-116065)

DOCUMENT CLASSIFICATION MATTER

If not already done, documents recently located in your office relating to administrative matters in connection with surreptitious entries should be promptly reviewed and classified as warranted to protect national security information in accordance with Executive Order 11652. Specifically insure all material which could disclose intelligence sources and methods (Exemption Category # 2) or which discloses a specific foreign relations matter (Exemption Category # 3), requiring continuing protection, is appropriately classified.

You are reminded that in accordance with Federal regulations access to this material that has been classified should be on a strict need-to-know basis. Reproduction of classified documents should be kept to a minimum. Insure appropriate classification markings are also placed on all copies that have been made of classified documents. In the event any of the classifiable documents have been provided to FBIHQ, other field offices, or to other agencies including the Department, proper notification should be made to insure these copies are appropriately classified.

NED

DAT: 3-1-82 SP4 JRM/cal

ENCLOSURE 11-166

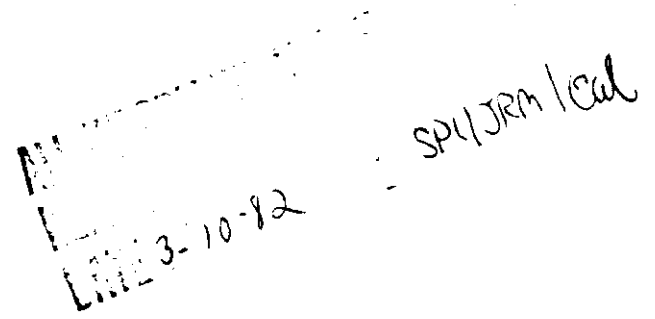
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4-312 (Rev. 12-11-73)

Date of Mail 6/22/76

Has been removed and placed in the Special File Room of Records Section.

See File 66-2554-7530 for authority.



Subject JUNE MAIL - ~~TECHNICAL SURVEILLANCE - GENERAL~~ Surreptitious Entries

Removed By 79 JUL 14 1976

File Number ~~66-8160-3867~~ 62-117166-14X

Permanent Serial Charge Out

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FEDERAL BUREAU OF INVESTIGATION
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1 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

☐ Deleted under exemption(s) _____ with no segregable material available for release to you.

☐ Information pertained only to a third party with no reference to you or the subject of your request.

☐ Information pertained only to a third party. Your name is listed in the title only.

☒ Document(s) originating with the following government agency(ies) DEPT. OF JUSTICE, CIVIL RIGHTS DIVISION, was/were forwarded to them for direct response to you.

_____ Page(s) referred for consultation to the following government agency(ies); _____ as the information originated with them. You will be advised of availability upon return of the material to the FBI.

_____ Page(s) withheld for the following reason(s):

☐ For your information: _____

☒ The following number is to be used for reference regarding these pages:
62-117166-15

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☐ Deleted under exemption(s) _____ with no segregable material available for release to you.

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☐ Information pertained only to a third party. Your name is listed in the title only.

☒ Document(s) originating with the following government agency(ies) DEPT. OF JUSTICE, CIVIL RIGHTS DIVISION, was/were forwarded to them for direct response to you.

_____ Page(s) referred for consultation to the following government agency(ies); _____ as the information originated with them. You will be advised of availability upon return of the material to the FBI.

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☐ For your information: _____

☒ The following number is to be used for reference regarding these pages:
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OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

1 - Mr. J. B. Adams
1 - Mr. J. A. Mintz
1 - Mr. T. W. Leavitt

Assoc. Dir.
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Telephone Rm.
Director Sec'y

TO : Mr. T. W. Leavitt

DATE: 6/24/76

FROM : J. G. Deegan JGD

1 - Mr. J. G. Deegan
1 - Mr. R. E. Long
1 - [redacted]

SUBJECT: CIVIL RIGHTS DIVISION
CRIMINAL INVESTIGATION
OF SURREPTITIOUS ENTRIES

ALL INFO CONTAINED HEREIN IS UNCLASSIFIED DATE 3-1-82 BY SP4 JRM/cal

PURPOSE: To record instructions furnished by the Document Classification Officer (DCO) to supervisory Special Agent [redacted] regarding the protection of classified national security information.

DETAILS: After receiving information that supervisory Special Agent [redacted] had been advised by a representative of the Civil Rights Division of the Department that he was a subject of captioned investigation and that he had obtained private counsel, SA [redacted] DCO, advised SA [redacted] on 6/23/76 that he was prohibited from disclosing classified information to his counsel in accordance with Title 28, Code of Federal Regulations, Part 17 (28 CFR 17), which precludes dissemination of such information outside the Executive Branch except under conditions and through channels authorized by the Attorney General. SA [redacted] was further advised he may advise his counsel that the latter may request the Attorney General to authorize clearance for counsel's access to national security information in connection with his legal responsibility to his client. 62-11[illegible]66

CONTINUED - OVER

[redacted]
(7)

[redacted]

GPO 1976

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

FBI-DOJ

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Memorandum to Mr. T. W. Leavitt
Re: Civil Rights Division
Criminal Investigation
of Surreptitious Entries

This action is in accord with that approved by the Department Review Committee and is in accord with instructions furnished to other Agents who are subjects of this investigation and who have obtained private counsel.

RECOMMENDATION: For information and record purposes.

APPROVED:
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Dep. AD Inv.
Asst. Dir.:
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UNITED STATES GOVERNMENT

Memorandum

TO : W. Cecil

DATE:

FROM :

SUBJECT:

It is [illegible] to advise of receipt of [illegible]. [illegible] Bottin [illegible] Attorney General, Civil [illegible] necessary [illegible] to take steps necessary for [illegible] to disseminate classified information with [illegible] counsel.

[illegible] the 6/20/77 memorandum from [illegible] to the Deputy Attorney General, [illegible] can be taken to confer with counsel. [illegible] referring to discussion of classified information [illegible] not preclude [illegible] from discussing [illegible] their counsel. [illegible] Office of the Deputy Attorney General is coordinating this matter to permit [illegible] check of current files [illegible] Department attorneys who are known to have been [illegible] Copies of these lists have been forwarded to the Office of the Deputy Attorney General. A memorandum to the Attorney General [illegible] points out that under the terms of Executive Order [illegible] regulations governing [illegible] of security clearances and [illegible] of classified information are the responsibility of [illegible] Department as set forth [illegible] Attorney General's [illegible] problems which may arise in connection with this program. [illegible] Department is being advised that no background investigations will be conducted until instructions are received. [illegible] questions posed has been requested.

This matter has been coordinated with the [illegible] Classification Division and representatives of [illegible] Intelligence and Legal Counsel Divisions.

[illegible] that the attached letter be forwarded to the Attorney General.

Enclosure

APPROVED:
Assoc. Dir.
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Dep. AD Inv.
Asst. Dir.:
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EX-102

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Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

5010-108

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OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

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Rec. Mgnt. ___
Spec. Inv. ___
Training ___
Telephone Rm. ___
Director Sec'y ___

TO : MR. CALLAHAN

DATE: 6/29/76

FROM : J. J. O'CONNELL

SUBJECT: SURREPTITIOUS ENTRY INVESTIGATION

The Department has requested that 12 additional Special Agents be assigned to the above-captioned investigation. This request has been approved by the Director and the purpose of this memorandum is to set forth the identities of individuals instructed to report to Headquarters for interview by the Department.

SAC Richard E. Long, who is coordinating this investigation with the Department, advised that the additional personnel should report to Headquarters, Room 7142, by 3:00 p.m., Thursday, July 1, 1976, at which time representatives of the Department will be available to interview and select those the Department desires to be assigned to this investigation. Accordingly, the SAC or ASAC of the respective offices has been telephonically instructed to have the following individuals report to Headquarters for interview at the time indicated above:

[redacted] Cincinnati Field Office
Savannah Field Office
Cincinnati Field Office
Indianapolis Field Office
Tampa Field Office
Birmingham Field Office
Birmingham Field Office
Atlanta Field Office
Jackson Field Office
Jacksonville Field Office
Mobile Field Office
Memphis Field Office

ALL (6)(C) (7)(C)

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Alternates:

[redacted] Jackson Field Office
Memphis Field Office

11-166

DEC 13

18 JUL 23 1976

MR. MACK

JJO[redacted]2)
1-SAC Richard E. Long

(OVER)

4 [illegible] 7 1976

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

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It is to be noted there are 14 individuals listed above. This includes two alternates in the event one or more of those deemed qualified are unavailable or not selected by the Department.

The above is submitted for information.

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COMMUNICATIONS SECTION

JUN 23 1976

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TELETYPE

4:56PM I M M E D I A T E JUNE 23, 1976 CRS

DECLASSIFIED BY SP4JRM/cal
ON 3-17-82

TO: DIRECTOR, FBI AND SACS
ALBANY
DETROIT
LOS ANGELES
ST. LOUIS

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-1-82 BY SP4JRM/cal

//////////////ALL OFFICES VIA WASHINGTON//////////////

FROM: ADIC, NEW YORK

S E C R E T

CIVIL RIGHTS DIVISION, PRIVATE INVESTIGATION OF SUBVERSIVE ACTIVITIES
- INTERNAL SECURITY

REFERENCE IS MADE TO NEW YORK DIVISION AND HAVE BEEN OBTAINED BY USES THAT MAY BE CONSIDERED POTENTIAL SOURCES OF [illegible] INVESTIGATION CONCERNED WITH POSSIBLE VIOLATIONS OF TITLE 18, SECTIONS 241, 242, 2236, 1505, AND 2.

ENCLOSED ARE THE FOLLOWING OBSERVATIONS AND [illegible]:

THE NEW YORK POST, FINAL EDITION, JUNE 22, 1976, PAGE 22

REC-104 11-2166-19

5 JUL 23 1976

JUL 23 1976

TELETYPED TO:

MR. [illegible]

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PAGE TWO

CARRIES ARTICLE CAPTIONED, "JUSTICE DEPT. PUTTING HEAT ON FBI'S BLACK-BAG JOBS" CO-AUTHORED BY ROBERT L. JACKSON AND RONALD J. OSTROW, WHICH SET FORTH THAT THE LOS ANGELES TIMES HAD LEARNED OF INSTANT INVESTIGATION. THIS ARTICLE WAS EXTREMELY DETAILED AND ACCURATE AND OBVIOUSLY REPRESENTS AN UNAUTHORIZED DISCLOSURE OF INFORMATION FROM A GOVERNMENT EMPLOYEE SOURCE. THIS DISCLOSURE IN THE MEDIA HAS CAUSED THE FIRST INSTANCE OF WIDESPREAD PUBLICITY OF CAPTIONED MATTER. THIS PUBLICITY DOES NOT BENEFIT THE CONDUCTION OF THE INVESTIGATION. THE POSSIBILITY OF FURTHER DISCLOSURES IS APPARENT. THE POSSIBILITY OF THE FILING OF SPECIFIC LAWSUITS SEEKING INJUNCTIVE RELIEF IS NOT A REMOTE POSSIBILITY. IN SUCH A DISCLOSURE SITUATION, EACH INDIVIDUAL COULD BE EXPOSED TO CIVIL SUITS BY PLAINTIFFS, AS WELL AS ONE U.S. ATTORNEY'S OFFICE AT LOCAL GOVERNMENT LEVEL.

IN VIEW OF THE ABOVE, THE FOLLOWING ACTIONS BY FBIHQ ARE WARRANTED AND BEING REQUESTED:

(1) AN IMMEDIATE INVESTIGATION PROBING THE UNAUTHORIZED

DISCLOSURE OF CONFIDENTIAL GOVERNMENT INFORMATION. IT IS POINTED OUT THAT THE NEED FOR UNAUTHORIZED DISCLOSURE THAT THIS INVESTIGATION IS BEING CONDUCTED COULD BE A VIOLATION OF FEDERAL REGULATIONS AND STATUTES. FURTHERMORE, IF CLASSIFIED INFORMATION HAS BEEN LEAKED, THE GRAVITY OF THE VIOLATION IS INCREASED. UNQUESTIONABLY, THERE IS AT LEAST A SUFFICIENT BASIS FOR INSTITUTING THIS INVESTIGATION IMMEDIATELY.

(3) IMMEDIATE DETERMINATION BY FBIHQ AS TO WHICH INDIVIDUALS WITHIN THE FBI AND DOJ HAVE BEEN AFFORDED THE OPPORTUNITY TO REVIEW THOSE BASIC DOCUMENTS CONTAINED IN PERSONAL SAC FOLDER 29 MAINTAINED IN THE NEW YORK DIVISION OF FBI; COPIES OF THESE DOCUMENTS INCLUDED IN THIS FOLDER WERE RECENTLY FURNISHED TO SPECIAL ATTORNEYS. IN ADDITION, AN IMMEDIATE DETERMINATION AS TO THE IDENTITIES OF ANY SPECIFIC INDIVIDUALS WHO ARE IN POSSESSION OF COPIES OF THESE DOCUMENTS SHOULD BE MADE AND SCRUPULOUSLY OBTAINED. STRICT CONTROL OF THESE POTENTIALLY INCRIMINATING DOCUMENTS IS DESIRED SINCE THE UNAUTHORIZED DISCLOSURE AND TRANSFER OF THESE DOCUMENTS WOULD IRREVOCABLY PREJUDICE AND DAMAGE THE INDIVIDUAL RIGHTS OF THE AFOREMENTIONED SUBJECTS OF CAPTIONED

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INVESTIGATIO..

ADDITIONALLY, DEPARTMENTAL ATTORNEYS WILLIAM L. GARDNER AND STEVEN HORN WERE PERMITTED TO REVIEW MANY FBI FILES AND DOCUMENTS IN POSSESSION OF NYO DURING THE PERIOD APRIL 26 THROUGH APRIL 30, 1976, IN CONJUNCTION WITH INSTANT INVESTIGATION. IN ADDITION TO BEING FURNISHED COPIES OF CERTAIN DOCUMENTS, THESE ATTORNEYS MADE EXTENSIVE NOTES DURING THEIR REVIEW OF RELATED DOCUMENTS IN COMMUNICATIONAL AND INDIVIDUAL CASE FILES. THESE NOTES TAKEN FROM REVIEW OF LHMS, AIRTELS, MEMORANDA, REPORTS AND ANY OTHER DOCUMENTS OR SERIALS WHICH CONSTITUTE CLASSIFIED MATERIAL, SHOULD IN THEMSELVES BE CLASSIFIED. THEREFORE, REQUEST SHOULD BE DIRECTED TO THE DEPARTMENT TO APPROPRIATELY CLASSIFY THOSE NOTES TAKEN BY ABOVE DEPARTMENTAL ATTORNEYS.

SUCH A DETERMINATION ALSO APPEARS IN ORDER IN VIEW OF THE REQUESTS MADE IN BUREAU AIRTEL TO NEW YORK, DATED JUNE 21, 1976, CAPTIONED "DOCUMENT CLASSIFICATION MATTER," BUREAU FILE 62-116395, WHICH CONCERNED ITSELF WITH CLASSIFYING DOCUMENTS PERTAINING TO SURREPTITIOUS ENTRIES.

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~~FIVE~~ SECRET

IT IS POINTED OUT THAT THE ABOVE IMMEDIATE ACTION BY FBIHQ COULD SERVE TO HAVE AN INHIBITING EFFECT ON ANY INDIVIDUAL WHO IS PRONE TO MAKING FURTHER UNAUTHORIZED DISCLOSURES. FURTHERMORE, CAUSES OF ACTION FOR SLANDER AND LIBEL AGAINST [redacted] IN THE AFOREMENTIONED SUBJECTS SHOULD BE REQUESTED.

~~CLASSIFIED BY SP-1, RULE 1 EXEMPT~~

Approved by [redacted] DCO 6/30/76

ADMINISTRATIVE

TELETYPE BEING SENT TO ALBANY, DETROIT AND ST. LOUIS BECAUSE AGENTS INTERESTED IN CAPTIONED MATTER ARE PRESENTLY ASSIGNED TO THESE DIVISIONS.

TELETYPE BEING SENT TO LOS ANGELES INASMUCH AS THIS DIVISION NECESSARILY BE INVOLVED IN INVESTIGATION REQUESTED.

END

cc Lab.

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1 - Mr. Adams
1 - Mr. Mack
1 - Mr. Long
1 - Mr. Leavitt

June 30, 1976

Assistant Attorney General
Civil Rights Division

Director, FBI

[illegible] 104 [illegible] 117166 19

[illegible] ED
[illegible] IS UNCLASSIFIED
DATE 3-1-82 BY SP4JRM/cal

CIVIL RIGHTS DIVISION CRIMINAL
INVESTIGATION OF SURREPTITIOUS ENTRIES

Special Agents of our New York Office who have been notified by the Department of Justice that they are considered to be potential subjects in this investigation have expressed concern about the apparent disclosures of the investigation to representatives of the new media. They cite a "New York Post" article which appeared in the final edition June 22, 1976, on page 20 co-authored by Robert L. Jackson and Ronald J. Ostrow which they felt was extremely detailed and accurate. They pointed out this was the first instance of widespread publicity in this matter and believed such publicity did not benefit the subjects of the investigation. They are concerned about further disclosures and the possibility that the names of specific subjects will be divulged which could expose them to civil suits by independent plaintiffs as well as criminal proceedings on a local level. These Agents asked for an immediate investigation probing the disclosures of information relating to this matter and they feel that the unauthorized disclosure concerning the investigation being conducted could be a violation of Federal regulations and statutes.

No investigation has been conducted by the FBI concerning these disclosures but I did want you to be aware of the concern of the Agents involved in this investigation. It is requested that you advise whether or not such an investigation should be undertaken.

Our New York Office also observed that Departmental attorneys William L. Gardner and Steven Horn reviewed a number of FBI files and documents in possession of the New York Office during the period April 26 - April 30, 1976, in connection with this investigation. In addition to being furnished copies of certain documents,

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Assoc. Dir. [illegible]
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Dep. AD Inv.
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Adm. Serv.
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Spec. Inv.
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Director's Sec'y

PLM:mah
(7)

MAILED 2
JUL 6 1976
FBI

JUL 23 1976

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the attorneys made extensive notes from a review of the files provided to them. A determination is presently being made regarding the national security classification, if any, of the documents furnished and you will be advised of the results of this determination. The New York Office is also concerned about notes containing classified information taken from classified documents during the above-mentioned reviews and asked that such notes constituting classified material be appropriately classified. It is, therefore, requested that any notes requiring classification be handled accordingly.

Ext. Affairs
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FOR IMMEDIATE RELEASE
JUNE 30, 1976

Within the past several days news stories have indicated that surreptitious entries were conducted by the FBI within the past five years and that I have previously stated and testified before the Congress that surreptitious entries in domestic security investigations terminated in 1966. Obviously, such news stories imply directly or indirectly that I (1) knew otherwise, and/or (2) that my advisers in the FBI knew about these entries and failed to advise me of them.

I would like to state at this time that when I spoke initially at a July, 1975, press conference and stated that there were no entries in the domestic security area after 1966, I knew of none. I have certainly never authorized any, and frankly, I was never told of any. I was speaking with the best knowledge that was furnished me at the time. My press conference statement relied upon a July, 1966, memorandum wherein Mr. Hoover instructed that no further surreptitious entries were to be engaged in by Bureau personnel. In addition, I relied upon the recollections of current Headquarters personnel who were queried about this matter prior to this conference.

62-117166-A

NOT RECORDED
46 JUL 12 1976

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
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Subsequent to my press conference and as a result of our reviews in responding to Congressional and Departmental inquiries relating to surreptitious entries, additional entries were detected and furnished to the Department and the Senate Select Committee in September, 1975. We reported that at least 238 surreptitious entries had been conducted against at least 14 domestic subversive targets during the period 1942 to April, 1968, and there were additional entries which we were then unable to document.

On March 17, 1976, FBI Headquarters learned as a result of inquiries in connection with a pending lawsuit that folders in our New York Office contained information concerning entries subsequent to 1966 and the Department of Justice was notified the same date by us. It was through this means that I learned of the existence of a limited number of surreptitious entries conducted in 1972 and 1973 after a thorough review was subsequently made of these folders.

The FBI, under my direction, is cooperating with the Department of Justice in a full and complete investigation to determine all the facts of this matter.

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FEDERAL BUREAU OF INVESTIGATION

FOIPA DELETED PAGE INFORMATION SHEET

2 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

☐ Deleted under exemption(s) _____ with no segregable material available for release to you.

☐ Information pertained only to a third party with no reference to you or the subject of your request.

☐ Information pertained only to a third party. Your name is listed in the title only.

☒ Document(s) originating with the following government agency(ies) DEPT. OF JUSTICE, CIVIL RIGHTS DIVISION, was/were forwarded to them for direct response to you.

_____ Page(s) referred for consultation to the following government agency(ies); _____ as the information originated with them. You will be advised of availability upon return of the material to the FBI.

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1 - Mr. Adams
1 - Mr. Mintz
1 - Mr. Leavitt
1 - Mr. Decker
1 - Mr. Long
1 - Mr. Fehl

SECRET

The Attorney General

June 29, 1976

Director, FBI

[redacted]

62-117166-195

3-1-82

CLASS. & EXT. BY SP-4 JRM/CAL
REASON-FCIM II, 1-2.4.2
DATE OF REVIEW 6-29-96

Surreptitious Entry Investigation

By memorandum dated June 25, 1976, J. Stanley Pottinger, Assistant Attorney General, Civil Rights Division, in connection with the Department's Surreptitious Entry Investigation requested the FBI to take whatever steps are necessary to enable agents to confer with counsel in light of provisions of Title 28, Code of Federal Regulations (CFR), Part 17, regarding the nondisclosure of classified information to unauthorized persons. This Bureau subsequently communicated with the Office of the Deputy Attorney General which, in coordinating this matter, requested name checks.

To date we are aware of the identities of three attorneys retained as counsel by agents involved with this investigation, namely [redacted] and [redacted] The results of name checks concerning these individuals have been forwarded to the Office of the Deputy Attorney General.*

The CFR cited by Assistant Attorney General Pottinger provides no person shall be given access to any classified information or material under control of the Department unless such person has been determined to be trustworthy and unless access to such information or material is necessary in the performance of his duties. The trustworthiness determination, referred to as a security clearance, is required to be made by the Security Officer of the Department and to be based on such investigation as the Department by regulation requires in accordance with Executive Order 10450, as amended. In this instance it would appear a clearance for up to and including "top secret" information is required. Our practice has been to conduct a full field background investigation in instances of this type when requested by the Department. In the event an individual whose latest full field background investigation is five years or older, an update investigation is required. Any clearance, of course, is granted by the Security Officer of the Department based on the results of the investigation. The CFR further provides that no classified information or material shall be disseminated outside the Executive Branch unless authorized by you.

MAILED 2
JUL 1 - 1976
FBI

[redacted] (15)

7 JUL 1 2 1976

JAN 18 1977

APPROVED:
Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
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Ext. Affairs
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TELETYPE UNIT Return to [redacted] Room 3823.

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The Attorney General

SECRET

In reference to comments in Mr. Pottinger's memorandum regarding communications initiated at FBI headquarters, these were made in accordance with CFR as relate to Executive Order 11652 and were issued after the Department Review Committee which has responsibility for administrating the regulations concurred in the need to protect classified information. The instructions relating to the protection of classified information were sent to the field in support of the CFR and, unless advised specifically by you, we will continue to insure that such classified national security information in custody of this Bureau is afforded protection as required by the Executive Order and CFR.

Other questions are posed relating to this request and similar situations which may develop. These are:

(b)(1)
(b)(5)

[redacted] (5)

[redacted]

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☐ Information pertained only to a third party with no reference to you or the subject of your request.

☐ Information pertained only to a third party. Your name is listed in the title only.

☐ Document(s) originating with the following government agency(ies) _____, was/were forwarded to them for direct response to you.

_____ Page(s) referred for consultation to the following government agency(ies); _____ as the information originated with them. You will be advised of availability upon return of the material to the FBI.

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Due to the above considerations, it is believed background investigations are necessary prior to any agent discussing classified information with counsel. No such investigations will be conducted, however, in the absence of specific instructions from you. An early response from you addressing these questions will be appreciated.

1 - The Deputy Attorney General

1 - The Assistant Attorney General
Civil Rights Division

1 - Director, Security and
Administrative Services Staff

(4)(6)
7(C)

[redacted]

CG-19166-25

See cover memo Steel to Fehl dated 6/28/76, same caption,

[redacted]

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4-312 (Rev. 12-11-73)

Date of Mail 6/22/76

Has been removed and placed in the Special File Room of Records Section.

See File 66-2554-7530 for authority.

SP4JRM/cal

Subject JUNE MAIL - ~~INTERNAL SECURITY - CHINA~~ Miscellaneous Section

Removed By 97 JUL 23 1976

File Number ~~66-8161-3875~~ 62-117166-19X1

Permanent Serial Charge Out

FBI-DOJ

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NR 020 DE CODE

8:09 PM NITEL JUNE 30, 1976 MRD

TO: DIRECTOR

FROM: DETROIT (66-4910)

CIVIL RIGHTS DIVISION; CRIMINAL INVESTIGATION OF SURREPTITIOUS ENTRIES. ALL (b)(6), (b)(c)

RE BUTELS TO ALL OFFICES, JUNE 15, 1976, AND SAC, DETROIT, JUNE 22, 1976.

ON JUNE 18, 1976, WILLIAM GARDNER, DEPARTMENTAL ATTORNEY, WASHINGTON, D.C., TELEPHONICALLY CONTACTED SA [redacted] OF THE DETROIT DIVISION, AND ADVISED S[redacted] THAT HE WAS AMONG A GROUP OF SAS CURRENTLY CONSIDERED SUBJECTS OF A CRIMINAL INQUIRY RELATIVE TO CAPTIONED MATTER. GARDNER REQUESTED S[redacted] TO TRAVEL TO WASHINGTON, D.C., WHEN CONVENIENT, FOR THE PURPOSE OF INTERVIEW (UNDER MIRANDA WARNINGS). GARDNER STATED HE WAS SUGGESTED TO SAS WHO ARE SUBJECTS OF THIS INQUIRY THAT THEY MAY DESIRE COUNSEL DURING INTERVIEW.

SA [redacted] FORMERLY ASSIGNED TO SQUAD 47, NYO, JANUARY, 1971 TO JANUARY, 1973.

SA [redacted] HAS BEEN ADVISED HE IS PROHIBITED FROM DISCLOSING CLASSIFIED INFORMATION TO HIS COUNSEL IN

REC-101 11-166 20

MR PLW MAC

Pers. Rec. Unit

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 3-1-82 BY SP4 JRM/cal

84 DEC 7 1976

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ACCORDANCE WITH TITLE 18, CODE OF FEDERAL REGULATIONS, SECTION 17, WHICH PRECLUDES DISSEMINATION OF SUCH INFORMATION OUTSIDE THE EXECUTIVE BRANCH EXCEPT UNDER CONDITIONS AND THROUGH CHANNELS AUTHORIZED BY THE ATTORNEY GENERAL (AG). SA [redacted] WAS ALSO ADVISED HE MAY ADVISE HIS COUNSEL THE LATTER MAY REQUEST THE AG TO AUTHORIZE CLEARANCE FOR HIS ACCESS TO NATIONAL SECURITY INFORMATION IN CONNECTION WITH HIS LEGAL RESPONSIBILITIES TO HIS CLIENT.

(b)(6)
(7)(C)

END

~~RLS HOLD~~

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4-312 (Rev. 12-11-73)

Date of Mail 6/30/76

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See File 66-2554-7530 for authority.

3-10-82 ISP4 Central

Subject JUNE MAIL - ~~TECHNICAL SURVEILLANCES - GENERAL~~ Surreptitious Entries

Removed By 97 JUL 30 1976

File Number 62-117166-20X ~~66-2554-3876~~

Permanent Serial Charge Out

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4-312 (Rev. 12-11-73)

Date of Mail 7/2/76

SPY JRmical
7-2-96
3-10-82

Has been removed and placed in the Special File Room of Records Section.

DECLASSIFIED
Date: 5/20/83
SPY/JRmical

See File 66-2554-7530 for authority.

Subject JUNE MAIL - ~~JUDICIAL SURVEILLANCES - GENERAL~~ Investigative Matters

Removed By 97 JUL 30 1976

File Number 62-117166-JCX1
~~66-2554-7530~~

Permanent Serial Charge Out

FBI/DOJ

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Assistant Attorney General
Civil Rights Division

July 7, 1976

Director, FBI

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 3-1-82 BY SP4 JRM/sal

CIVIL RIGHTS DIVISION
CRIMINAL INVESTIGATION OF
SURREPTITIOUS ENTRIES

Enclosed for your information is a copy of the FBI Employment Agreement (FD-291), which form is executed by all employees of the FBI. The provisions of this agreement are applicable both during the period of employment and following termination of employment with the FBI.

This agreement states in part, "I understand the need for this secrecy agreement; therefore, as consideration for employment I agree that I will never divulge, publish, or reveal either by word or conduct, or by other means disclose to any unauthorized recipient without official written authorization by the Director of the FBI or his delegate, any information from the investigatory files of the FBI or any information relating to material contained in the files, or disclose any information or produce any material acquired as a part of the performance of my official duties or because of my official status."

I have been made aware that some Special Agents of the FBI have been contacted by the Civil Rights Division and advised that they are considered potential subjects of this investigation; however, I do not know if these individuals represent all of the present or former FBI employees who are considered to be potential subjects. In order that I may initiate appropriate action to release present and former employees from the provisions of the employment agreement so that consultation with private counsel can be facilitated, it would be most helpful if I could be advised of the identities of those present and former employees who have been informed by the Civil Rights Division that they are potential subjects of this investigation. Additionally, it would be of assistance if I could also be advised following notification by the Civil Rights Division of any future subjects.

2 - ENCLOSURE

REC-104 62-116166 21

Hand delivered to Bill Gardiner, Room 1038, 7/9/76, 9:30 a.m.

18 JUL 23 1976

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
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Telephone Rm.
Director Sec'y

PLM [redacted] (8)
1 - Mr. Adams (Direct)
1 - Mr. Mintz (Direct)
1 - Mr. Long (Direct)
1 [redacted] (Direct)

See NOTE, page 2.

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FBI

ALL (b)(6);(7)(C)

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Assistant Attorney General
Civil Rights Division

It is my intention to have our Legal Counsel Division telephonically notify the individuals involved that they have been released from their employment agreement for the purpose of discussing this matter with their counsel subject to the resolution of the question regarding discussions of National Security Classified information with their attorneys. In addition, those individuals who are current employees will be instructed to review FBI Headquarters teletype to all offices dated June 15, 1976, captioned Civil Rights Division, Criminal Investigation of Surreptitious Entries, a copy of which is enclosed, which encourages subjects of the investigation to cooperate but sets forth information concerning their constitutional rights against self-incrimination.

Enclosures - 2

NOTE: On 7-6-76 William Gardner of the Civil Rights Division requested to have a copy of the FBI Employment Agreement as well as information as to what we intended to advise the potential subjects of this investigation prior to rendering a decision as to whether or not the Civil Rights Division would advise FBI of the identities of subjects of this investigation.

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EMPLOYMENT AGREEMENT

As consideration for employment in the Federal Bureau of Investigation (FBI), United States Department of Justice, and as a condition for continued employment, I hereby declare that I intend to be governed by and I will comply with the following provisions:

(1) That I am hereby advised and I understand that Federal law such as Title 18, United States Code, Sections 793, 794, and 798; Order of the President of the United States (Executive Order 11652); and regulations issued by the Attorney General of the United States (28 Code of Federal Regulations, Sections 16.21 through 16.26) prohibit loss, misuse, or unauthorized disclosure or production of national security information, other classified information and other nonclassified information in the files of the FBI;

(2) I understand that unauthorized disclosure of information in the files of the FBI or information I may acquire as an employee of the FBI could result in impairment of national security, place human life in jeopardy, or result in the denial of due process to a person or persons who are subjects of an FBI investigation, or prevent the FBI from effectively discharging its responsibilities. I understand the need for this secrecy agreement; therefore, as consideration for employment I agree that I will never divulge, publish, or reveal either by word or conduct, or by other means disclose to any unauthorized recipient without official written authorization by the Director of the FBI or his delegate, any information from the investigatory files of the FBI or any information relating to material contained in the files, or disclose any information or produce any material acquired as a part of the performance of my official duties or because of my official status. The burden is on me to determine, prior to disclosure, whether information may be disclosed and in this regard I agree to request approval of the Director of the FBI in each such instance by presenting the full text of my proposed disclosure in writing to the Director of the FBI at least thirty (30) days prior to disclosure. I understand that this agreement is not intended to apply to information which has been placed in the public domain or to prevent me from writing or speaking about the FBI but it is intended to prevent disclosure of information where disclosure would be contrary to law, regulation or public policy. I agree the Director of the FBI is in a better position than I to make that determination;

(3) I agree that all information acquired by me in connection with my official duties with the FBI and all official material to which I have access remains the property of the United States of America, and I will surrender upon demand by the Director of the FBI or his delegate, or upon separation from the FBI, any material relating to such information or property in my possession;

(4) That I understand unauthorized disclosure may be a violation of Federal law and prosecuted as a criminal offense and in addition to this agreement may be enforced by means of an injunction or other civil remedy.

I accept the above provisions as conditions for my employment and continued employment in the FBI. I agree to comply with these provisions both during my employment in the FBI and following termination of such employment.

(Signature)

(Type or print name)

Witnessed and accepted in behalf of the Director, FBI, on

_____, 19____, by _____
(Signature)

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OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

1-Mr. Adams
1-Mr. Walsh
(Att [redacted]

Assoc. Dir. _
Dep. AD Adm. _
Dep. AD Inv. _
Asst. Dir.:
Adm. Serv. _
Ext. Affairs _
Fin. & Pers. _
Gen. Inv. _
Ident. _
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Laboratory _
Legal Coun. _
Plan. & Eval. _
Rec. Mgmt. _
Spec. Inv. _
Training _
Telephone Rm. _
Director Sec'y _

TO : Mr. Walsh

ALL (6)(6) (6)(C)

DATE: 7/7/76

FROM : R. E. Long
Investigation Coordinator

SUBJECT: SURREPTITIOUS ENTRY INVESTIGATION

PURPOSE:

To request four additional stenographers and one additional clerk for the Surreptitious Entry Investigation.

DETAILS:

The number of Special Agent personnel assigned to the Surreptitious Entry Investigation has been increased from 13 to 23. This increase in Agent personnel requires an increase in stenographic and clerical personnel. In order to handle the large volume of expedite reports which are requested by the Department of Justice, it is felt that four additional stenographers and one additional clerk are needed. This will bring our stenographic complement to eight and our clerical complement to four.

RECOMMENDATION:

That four additional stenographers and one clerk be selected for assignment to this detail and to report for work at 9:00 a.m., on July 12, 1976, to Room 6240.

REC-110 11-1166 22

16 JUL 23 1976

[redacted] (6)

3-1-82 SP4 JRM/cal

84 [illegible] 7 1976

5010-108

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FBI DOJ

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OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

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Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
Adm. Serv.
Ext. Affairs
Fin. & Pers.
Gen. Inv.
Ident.
Inspection
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Plan. & Eval.
Rec. Mgnt.
Spec. Inv.
Training
Telephone Rm.
Director Sec'y

TO : Mr. Walsh

DATE: 7/12/76

FROM : S. R. Burns

SUBJECT: SURREPTITIOUS ENTRY INVESTIGATION

PURPOSE: To record assignment of five stenographers (three from Pittsburgh and two from New Haven offices) to report to New York Office 7/12/76 to provide stenographic assistance to captioned investigation as requested in memorandum of R. E. Long, Investigation Coordinator, to Mr. Walsh, of 7/8/76; also, assignment of four additional stenographers and one additional clerk at Headquarters as requested in 7/7/76 memorandum R. E. Long to Mr. Walsh.

DETAILS: In response to request of Mr. Long for assignment of service and support personnel for captioned investigation, the following have been instructe to report to the New York Office on 7/12/76 to replace five stenographers from the Newark Office.

ALL (1)(C) (2)(C)

Pittsburgh: [redacted]

New Haven [redacted]

3-1-82 NSPLSRM Coll

Through their respective SACs, above were advised assignment would last approximately two weeks and they would be on appropriate per diem while on this special. They were to report to SA [redacted] and accommodations were arranged by the New York Office.

REC-116

Additionally, the following have been instructed to report to Mr. Long at Headquarters.

10 JUL 21 1976

[redacted] Stenographer, GS-5, General Investigative
Stenographer, GS-5, Identification
File Clerk, GS-5, Records Management
Stenographer, GS-4, Records Management
Secretary, GS-9, Special Investigative

1 - Mr. Adams
1 - Mr. Walsh
1 - Mr. McDermott (Att: Data Processing Section)
1 - [redacted]

MR. MACK

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan.

OVER

PERS. REC. UNIT

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Memorandum Burns to Walsh
Re: SURREPTITIOUS ENTRY INVESTIGATION

RECOMMENDATION: For information and record purposes.

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-1-12 BY SP4 JRM/cal

July 12, 1976

MEMORANDUM FOR MR. JENKINS

Re: To be discussed at Associate Director's Conference this date

I mentioned my distress to you last week.

I mention it again and with force because of a comment reportedly made by Ed Miller over the weekend. It appears he feels that I possibly was informed of the burglaries given wide coverage in the last few days. Admittedly the account indicates the notice was oblique and that I may not have recognized its relevancy. In other words, I chose to ignore its implications or I was unable to distinguish its inferences for an unknown reason. Ed Miller has not explained what he meant, and I therefore, must believe he was correctly quoted and can only speculate what he meant.

Lest there be any question in anyone's mind about my position in this matter, I want to set out certain things.

Until March, 1976, I had never been informed of these domestic surreptitious entries which took place in recent years, have not authorized a single such act, and know of no inferential, obscure, of otherwide "back door" reference to the existence of such or, on the other hand, unsolicited and solicted comments from knowledgeable Bureau authorities to the effect there was none were made on numerous occasions.

It appears my denial of burglaries of recent vintage were made with the knowledge by some FBI employees that I spoke in error. No one stepped forward to advise me of my error. I am inclined to believe there may be an effort to shift the responsibility for these allegations in some manner despite my total absence of any notification. I have never shunned responsibility properly vested in me. I will, however, where there is a purpose of evading culpability or a desire to share it by unfair innuendoes. Such an effort is totally unfair and I will vigorously resist it. I sincerely hope my fears are ill-founded.

Dir.
Asst. Dir.
Adm. AD Inv.
Asst. Dir.
Adm. Serv.
Ext. Affairs
Fin. & Pers.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Legal Coun.
Plan. & Eval.
Rec. Mgmt.
Spec. Inv.
Training
Telephone Rm.
Director Sec'y

CMK:EDM (3)

(Dictated over phone by Director)

1 DEC 7 1976

MAIL ROOM ☐ TELETYPE UNIT ☐

REC-116

SENT FROM D. O.
TIME 1:30
DATE 7-12-76
BY edm

11-6-24

18 JUL 23 1976

FBI/DOJ

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Memorandum for Mr. Jenkins July 12, 1976

Some reports are current that I have not acted decisively in a time of disquiet. Pending investigations have to date seemed to me to be an adequate base from which to determine needed action, be it corrective, disciplinary, or prosecutive. This is as it should be and, under normal circumstances, would be allowed to take its proper course.

I sincerely believe normalcy has been supplanted by factors which indicate the necessity to move now if credibility is to be maintained and divisiveness stifled. By no means do I feel the movement I detect is one universally supported. Unfortunately, some adjustments may inadvertently affect a wider range of my associates than I might want.

The action I contemplate at this point is as follows:

1. I want anyone who has any information of matters under question to come forward and let me know of them. This does not include anyone already named by the Department as a possible subject of their investigation, nor am I insisting anyone waive his constitutional rights.

2. I want to be informed at once of any reports currently circulating that I supposedly was informed of these actions and I want to be informed of the source.

3. I want you to discuss the problem I have presented and give me your appraisal of what you think should be done. This I want by July 12, 1976. I am considering some myself.

As I have said on several occasions, the position which I wish to maintain if we are to maintain credibility is one of complete absence of any duplicity or evasiveness and it now appears that this has been made difficult by factors beyond my command. I therefore think that we must move and move swiftly. This action may include an effort to join the news media in explanations or whatever may be determined as our best course. We cannot sit around and wait for the cleaver to fall. We must do something now.

Very truly yours,

Clarence M. Kelley
Director

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